FEDERAL REGISTER

VOLUME 8 NUMBER 58

Washington, Wednesday, March 24, 1943

The President

EXECUTIVE ORDER 9317

MAKING AVAILABLE FOR THE USE OF THE ARMY AND NAVY QUININE SULFATE ACQUIRED BY THE PROCUREMENT DIVISION OF THE TREASURY DEPARTMENT PURSUANT TO THE ACT OF JUNE 7, 1939

WHEREAS the Procurement Division of the Treasury Department has acquired by purchase, pursuant to the provisions of the act of June 7, 1939, 53 Stat. 811, stocks of quinine sulfate suitable for medicinal use; and

WHEREAS the Chairman of the War Production Board has reported to me that there is a need for quinine sulfate for medicinal uses by the military forces:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by section 4 of the said act of June 7, 1939, it is ordered as follows:

The Procurement Division of the Treasury Department is hereby authorized and directed to make available, from the stocks acquired by it pursuant to the said act of June 7, 1939, upon such terms of sale and delivery to the buyers and users thereof as may be mutually satisfactory to the Procurement Division and to them, a total of 3,634,782 ounces of quinine sulfate for the use of the Army and a total of 1,283,600 ounces of quinine sulfate for the use of the Navy.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 20, 1943.

[F. R. Doc. 43-4430; Filed, March 22, 1943; 3:07 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter VIII—Food Distribution Administration

PART 802—SUGAR DETERMINATIONS

PRODUCTION OF SUGAR BEETS DURING 1943

Amendment to determination of farming practices to be carried out on farms in connection with the production of sugar beets during the crop year 1943.

Pursuant to the provisions of subsection (e) of section 301 of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.13h *Farming practices in connection with the production of sugar beets during the crop year 1943*—(a) *For farms in States other than California.* The requirements of subsection (e) of section 301 of the Sugar Act of 1937, as amended, shall be deemed to have been fulfilled with respect to the production of the 1943 crop of sugar beets on any farm in a State other than California, if the producer and the county agricultural conservation committee certify that there has been carried out on land on the farm which is adapted to the production of sugar beets, not less than one-half acre of soil-conserving practices for each acre of sugar beets planted on the farm for harvest in 1943 for the extraction of sugar: *Provided, however,* That not in excess of 75 percent of the foregoing requirements in connection with rented acreage which would otherwise be part of another farm may consist of practices carried out on such farm in excess of any practices required thereon.

For the purposes of paragraph (a) of this section:

(1) Each of the following shall be deemed to be one acre of soil-conserving practices:

(i) Maintaining until after July 1, 1943, one acre of a protective covering of adapted perennial or biennial legumes, adapted perennial grasses, or mixtures of such legumes and grasses.

(ii) Seeding in 1943 one acre of adapted perennial legumes (except alfalfa) or biennial legumes, adapted perennial grasses, or mixtures of such legumes and grasses.

(iii) Seeding in 1943 one-half acre of adapted alfalfa.

(iv) Plowing under during 1943 one acre of a good stand and a good growth of an adapted green manure crop.

(v) Applying during 1943 eight short tons of animal manure or the amount of manure normally produced in one year by any of the following two head of cattle (of more than one year of age), two horses, two mules, four calves, four colts, ten sheep, or ten goats.

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THE PRESIDENT

REGULATIONS AND NOTICES

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FEDERAL REGISTER

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(vi) Applying during 1943 to land on which sugar beets are planted for harvest in 1943, 75 pounds of net available nitrogen, potash and/or phosphoric acid in the form of commercial chemical fertilizer.

(2) Adapted perennial or biennial legumes or adapted perennial grasses, or mixtures thereof, or adapted green manure crops, shall be deemed to be those perennial or biennial legumes, or perennial grasses, or mixtures thereof, or green manure crops, which are approved under the 1943 State Agricultural Conservation Program as being adaptable for the State in which the farm is located.

(b) *For farms in California.* The requirements of subsection (e) of section 301 of the Sugar Act of 1937, as amended, shall be deemed to have been fulfilled with respect to the production of the 1943 crop of sugar beets on any farm in California if the producer and the county agricultural conservation committee certify that during the crop year 1943 peat land on the farm has not been burned unless the burning is approved by the county and state agricultural conservation committees as necessary to permit satisfactory crop production and that there has been carried out on land on the farm which is adapted to the production of sugar beets not less than one-half acre of the soil conserving practices approved in accordance with the provisions of subparagraph (2) of this paragraph for each acre planted to sugar beets for harvest for the extraction of sugar: *Provided, however,* That one-fourth acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1939, if a perennial legume was produced thereon in 1940 or if any legumes were produced thereon in 1941 or 1942; and three-eighths acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1940, if legumes were produced thereon in 1941 or 1942: and *Provided further,* If practice (i), (ii), or (iii), specified in subparagraph (2) of this paragraph, or any combination of such practices, is used to meet the requirements with respect to all the sugar beets on the farm, one-sixth acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1939, if a perennial legume was produced thereon in 1940, or if any legumes were produced thereon in 1941 or 1942; one-fourth acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1940, if legumes were produced thereon in 1941 or 1942; one-fourth acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1939; and one-third acre of soil conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1940: *Provided further,* That a portion of the acres of soil-conserving practices required for rented acreage of any farm which would otherwise be part of another farm may consist of acres of practices carried out on the latter farm in excess of any practices required thereon, but an acreage of soil-conserving practices equal to not less than 12.5 percent of the acres planted to sugar beets on such rented acreage shall be carried out on the farm of which such rented acreage is a part in excess of any practices which would be required if such rented acreage were not a part of such farm.

For the purposes of paragraph (b) of this section:

(1) The term "crop year" means the calendar year, except where the grower requests that the crop year be a 12-month period beginning 120 days prior to the normal planting date of sugar beets for the community, in which case the crop year shall be such 12-month period, if approval is given by the county committee.

(2) Each of the following which is recommended by the county agricultural conservation committee and approved by the state agricultural conservation committee as a practice applicable to the county for preserving and improving fertility of the soil and for preventing soil erosion shall be deemed to be one acre of soil-conserving practices:

(i) Maintaining until after July 1, 1943, one acre of protective covering of adapted perennial or biennial legumes, adapted perennial grasses, or mixtures of such legumes and grasses.

(ii) Seeding during the crop year 1943 one-half acre of land to adapted perennial grasses, or mixtures of such legumes and grasses.

(iii) Seeding and maintaining until after December 31, 1943, one acre of a good growth and a good stand of an adapted cover crop, or plowing under during the crop year 1943 one acre of a good stand and a good growth of an adapted green manure crop.

(iv) Applying during the crop year 1943 eight short tons of animal manure, or the amount of manure normally produced in one year by any of the following: two head of cattle of more than one year of age, two horses, two mules, four calves, four colts, ten sheep, or ten goats.

(v) Applying during the crop year 1943 not less than eight tons (air dry weight) of leguminous crop residues.

(vi) Applying during the crop year 1943 three tons of lime, or 1,000 pounds of 18 percent gypsum or its sulphur equivalent.

(vii) Applying during the crop year 1943 to land planted to sugar beets, or to or in connection with the seeding of legumes except when seeded in rows to be cultivated, or to or in connection with the seeding of perennial grasses, 64 pounds of net available P_2O_5 in the form of commercial fertilizers.

(viii) Applying during the crop year 1943, either just before planting or during the growth of a crop of sugar beets, 75 pounds of available nitrogen and/or potash in the form of commercial chemical fertilizers.

(3) Adapted perennial or biennial legumes, or adapted perennial grasses, or mixtures thereof, or adapted green manure or cover crops, shall be deemed to be those perennial and biennial legumes or perennial grasses or mixtures thereof, or green manure crops, and cover crops, which are approved under the 1943 State Agricultural Conservation Program as being adaptable for the State.

(4) Acres of soil-conserving practices (other than acreage qualifying under practice (i)) carried out to meet similar requirements prescribed for the 1942 sugar beet crop shall not be used to meet the requirements set forth herein for the 1943 crop.

(c) *General provision.* All the foregoing soil-conserving practices shall be carried out in accordance with the farming methods commonly used in the community in which the farm is located.

(Sec. 301, 50 Stat. 910; 7 U. S. C. 1940 ed. 1131.)

This determination supersedes the "Determination of Farming Practices to be Carried Out on Farms in Connection with the Production of Sugar Beets During the Crop Year 1943," issued December 11, 1942 (7 F.R. 10421).

Done at Washington, D. C., this 20th day of March 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary.

[F. R. Doc. 43-4420; Filed, March 22, 1943; 11:37 a. m.]

Chapter XI—Food Distribution Administration

[FDO 40]

PART 1495—EGGS AND EGG PRODUCTS

RESTRICTIONS ON THE SALE AND STORAGE OF SHELL EGGS

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and in order to assure an adequate supply and efficient distribution of eggs and egg products to meet war and essential civilian needs; *It is hereby ordered,* As follows:

§ 1495.2 *Restrictions on sale and storage of shell eggs*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "shell eggs" means the eggs of the fowl, known as the domestic or barnyard hen, in their natural state or treated with a mineral oil for the purpose of preservation.

(2) The term "storage" means a room or rooms of a total of 1500 cubic feet or more of storage space and equipped to be refrigerated to a temperature of 40° F. or less.

(3) The term "person" means any individual, partnership, corporation, association, or other business entity.

(4) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by the Director.

(5) The term "governmental agency" means the Food Distribution Adminis-

tration, the Army, the Navy, the Marine Corps, the Coast Guard, the War Shipping Administration, the Veterans Administration, or any other agency or instrumentality of the United States designated by the Director.

(b) *Restrictions on sale and storage of shell eggs.* (1) On May 31, 1943, each person owning shell eggs in storage shall set aside and hold such eggs for delivery to a governmental agency: *Provided,* That the Director, upon the written application of any person owning shell eggs which are set aside pursuant to this order, may release, from restriction hereunder, any or all such eggs.

(2) The shell eggs set aside pursuant to (b) (1) may be offered for sale by the owner thereof to a governmental agency at no more than the ceiling price or ceiling prices established by the Office of Price Administration and applicable to sales to governmental agencies.

(3) On and after June 1, 1943, no owner of shell eggs shall place or cause such shell eggs to be placed in storage: *Provided,* That, upon the written application of an owner of shell eggs, the Director may permit such owner to store such shell eggs.

(4) The restrictions and requirements hereof shall be observed without regard to the rights of creditors, prior contracts, existing contracts, payments made, or deliveries of shell eggs made prior to the effective date hereof: *Provided,* That the terms of this order shall not apply to any eggs owned by a governmental agency.

(c) *Records and reports.* Every person subject to this order shall maintain such records for at least two years (or for such other periods of time as the Director may designate) and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(d) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections by the Director at all reasonable times of his stocks of restricted foods, and premises used in his business, and all of his books, records, and accounts shall, upon request, be submitted to audit and inspection by the Director.

(e) *Applicability of order.* Any person doing business in one or more of the 48 States or the District of Columbia is subject to the provisions hereof, but the provisions hereof shall not apply to any person doing business in any Territory or Possession of the United States with respect to such business.

(f) *Violations.* Any person who wilfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or wilfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation; and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35 (a) of the Criminal Code (18 U.S.C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, and such action shall be final.

(h) *Communications to the Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C. Ref: FD–40.

(i) *Delegation of authority.* The Director of Food Distribution is hereby designated to administer the provisions hereof.

(j) *Effective date.* This order shall be effective as of 12:01 a. m., e. w. t., March 25, 1943.

(E.O. 9280, 7 F.R. 10179)

Issued this 22d day of March 1943.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-4475; Filed, March 23, 1943; 11:34 a. m.]

[FDO 41]

PART 1495—EGGS AND EGG PRODUCTS

RESTRICTIONS ON THE DISTRIBUTION AND PRODUCTION OF LIQUID, DRIED, AND FROZEN EGGS, AND EGG PRODUCTS

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and in order to assure an adequate supply and efficient distribution of eggs and egg products to meet war and essential civilian needs, *It is hereby ordered,* as follows:

§ 1495.1 *Restrictions on distribution and production of eggs and egg products*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "drier" means any person who produces spray dried whole eggs.

(2) The term "spray dried whole eggs" means the dried whole eggs, of the type produced by the spray process, defined and identified in an order (4 F.R. 3376, 21 CFR, 1939 Supp., 42.30) issued by the Secretary of Agriculture of the United States on July 19, 1939, promulgating a regulation fixing and establishing a reasonable definition and standard of identity for the food product commonly known as dried whole eggs.

(3) The term "seasonal year 1943" means the twelve-month period commencing February 1, 1943, and extending through January 31, 1944.

(4) The term "seasonal year 1942" means the twelve-month period commencing February 1, 1942, and extending through January 31, 1943.

(5) The term "egg products" means whole eggs, albumen, yolks, sugared or salted yolks, or any mixtures or emulsions thereof, either in frozen or liquid form.

(6) The term "whole eggs" means shell eggs which are broken from the shells, with yolk and albumen in their natural proportion as so broken, either in liquid or frozen form.

(7) The term "albumen" means the whites of shell eggs, either in liquid or frozen form, after the breaking of the eggs and the separation of the whites from the yolks.

(8) The term "yolks" means the egg yolk, either in frozen or liquid form, defined and identified in an order (4 F.R. 3376, 21 CFR, 1959 Supp., 42.40) issued by the Secretary of Agriculture of the United States on July 19, 1939, promulgating a regulation fixing and establishing a reasonable definition and standard of identity for the food product commonly known as egg yolks.

(9) The term "sugared or salted yolks" means yolks, either in frozen or liquid form, to which sugar or salt has been added.

(10) The term "emulsion" means a mixture of egg products, whether in liquid or frozen form, to which has been added an emulsifying agent or solvent such as glycerin.

(11) The term "mixtures" means the mixtures, either in frozen or liquid form, of two or more individual egg products.

(12) The term "dried egg yolks" means the food prepared by drying egg yolks which are defined and identified in an order (4 F.R. 3375, 21 CFR, 1939 Supp., 42.60) issued by the Secretary of Agriculture of the United States on July 19, 1939, promulgating a regulation fixing and establishing a reasonable definition and standard of identity for the food product commonly known as dried egg yolks.

(13) The term "dried albumen" means liquid albumen that has been dried and is generally sold in flaked or powdered form.

(14) The term "pan-dried whole eggs" means the dried whole eggs, of the type produced by the pan drying method, defined and identified in an order (4 F.R. 3376, 21 CFR, 1939 Supp., 42.30) issued by the Secretary of Agriculture of the United States on July 19, 1939, promulgating a regulation fixing and establishing a reasonable definition and standard of identity for the food product commonly known as dried whole eggs.

(15) The term "shell eggs" means the eggs of the fowl, known as the domestic or barnyard hen, in their natural state or treated with a mineral oil for the purpose of preservation.

(16) The term "person" means any individual, partnership, corporation, association, or other business entity.

(17) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Depart-

ment of Agriculture designated by the Director.

(18) The term "governmental agency" means the Food Distribution Administration, the Army, the Navy, the Marine Corps, the Coast Guard, the War Shipping Administration, the Veterans Administration, or any other agency or instrumentality of the United States designated by the Director.

(b) *Restrictions on processing, and sale of eggs and egg products.* (1) Each drier shall set aside and hold for delivery to a governmental agency all spray dried whole eggs now owned or hereafter produced by him: *Provided*, That the Director may permit the sale of spray dried whole eggs to purchasers, other than a governmental agency, for essential civilian requirements.

(2) The spray dried whole eggs set aside pursuant to (b) (1) may be offered for sale by the drier to a governmental agency, at no more than the ceiling price or ceiling prices established by the Office of Price Administration.

(3) During the seasonal year 1943 no person shall produce liquid or frozen egg products, which will be used for purposes other than drying or furnishing to, for, or on account of a governmental agency, in a quantity in excess of the total amount of all such egg products which were produced by such person in the seasonal year 1942 and which were used for purposes other than drying.

(4) During the seasonal year 1943 no person shall produce, other than that which is produced for, or on account of, a governmental agency, dried egg yolk, dried albumen, any mixtures of dried egg yolk and dried albumen, or pan-dried whole eggs in a quantity in excess of the total amount of dried egg yolk, dried albumen, any mixtures of dried egg yolk and dried albumen, or pan-dried whole eggs, respectively, which were produced by such person in the seasonal year 1942.

(5) The restrictions and requirements hereof shall be observed without regard to the rights of creditors, prior contracts, existing contracts, payments made, or deliveries of spray dried whole eggs, pan dried whole eggs, dried yolk, dried albumen, or egg products made prior to the effective date hereof. This order shall not, however, affect the amount of such articles which any person is required to offer, or to deliver, under any contract for the furnishing of eggs or egg products to a governmental agency; nor shall this order apply to any sale, purchase, or processing of spray dried whole eggs, pan-dried whole eggs, dried yolk, dried albumen or egg products to, by, or for, a governmental agency, or any person for use in the manufacture of any product in the fulfillment of a contract with a governmental agency.

(c) *Records and reports.* Every person subject to this order shall maintain such records for at least two years (or for such other periods of time as the Director may designate) and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(d) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections by the Director at all reasonable times of his stocks of restricted foods, and premises used in his business, and all of his books, records, and accounts shall, upon request, be submitted to audit and inspection by the Director.

(e) *Applicability of order.* Any person doing business in one or more of the 48 States or the District of Columbia is subject to the provisions hereof, but the provisions hereof shall not apply to any person doing business in any Territory or Possession of the United States with respect to such business.

(f) *Violations.* Any person who wilfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or wilfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation; and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35 (a) of the Criminal Code (18 U.S.C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, and such action shall be final.

(h) *Communications to the Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C. Ref: FD–41.

(i) *Delegation of authority.* The Director of Food Distribution is hereby designated to administer the provisions hereof.

(j) *Effective date.* This order shall be effective as of 12:01 a. m., e. w. t., March 25, 1943.

(E.O. 9280, 7 F.R. 10179)

Issued this 22d day of March 1943.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-4474; Filed, March 23, 1943; 11:34 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 266]

PART 20—PILOT CERTIFICATES

SPECIAL CIVIL AIR REGULATION

PHYSICAL REQUIREMENTS AND MEDICAL CERTIFICATES FOR MILITARY PERSONNEL OF THE CAA WAR TRAINING SERVICE

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 16th day of March 1943.

Notwithstanding the provisions of Part 20 of the Civil Air Regulations, military personnel on active or reserve status assigned by the Army, Navy, Marine Corps, or Coast Guard of the United States for pilot training to the Civil Aeronautics Administration War Training Service shall be deemed to have met the requirements of §§ 20.104 and 20.730 of the Civil Air Regulations. Such trainees may pilot aircraft without being in possession of a medical certificate or other certificate of physical fitness only during the period that they are receiving student pilot training from the Civil Aeronautics Administration War Training Service.

This regulation shall be effective for the duration of the war and not more than six months thereafter.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 43-4487; Filed, March 23, 1943; 11:30 a. m.]

[Regulations, Serial No. 267]

PART 20—PILOT CERTIFICATE

SPECIAL CIVIL AIR REGULATIONS

CONTACT FLIGHT OPERATIONS UNDER LOCAL INSTRUMENT VISIBILITY CONDITIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 17th day of March 1943.

The following special civil air regulation is made and promulgated to become effective March 17, 1943:

Military airplanes of the United States making ferry flights over civil airways under contact flight rules, in case of military necessity, may take-off from, land at, or fly over airports where the local visibility conditions are below the minimum visibility requirements for operation under contact flight rules, if the visibility elsewhere along the civil airways to be flown is above the minimum required by contact flight rules.

This regulation shall terminate at the end of the war.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 43-4488; Filed, March 23, 1943; 11:30 a. m.]

[Amendment 40-2, Civil Air Regulations]

PART 40—AIR CARRIER OPERATING CERTIFICATION

ROUTE COMPETENCY; FIRST PILOTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 17th day of March 1943.

Effective March 17, 1943, Part 40 of the Civil Air Regulations is amended as follows:

1. By amending § 40.2611 (b) to read as follows:

§ 40.261 *First pilots.* * * *

§ 40.2611 (b) Each first pilot within the six months preceding his qualification for a particular route shall have made over such route or part thereof on which he will pilot aircraft for applicant five one-ways trips, any of which may be made either as the pilot without passengers or as second pilot with or without passengers. Two of such trips shall have been made within the 60 days preceding qualification. During the qualifying trips, the pilot shall be able at least twice to observe every part of the route for which qualification is sought when the visibility is not less than five miles as observed from the cockpit. In addition, the pilot shall have made over such route or such part thereof one trip during which the visibility was not less than five miles as observed from the cockpit and during which he shall have made at least one landing at each intermediate field or a visual examination thereof from a safe low altitude if field conditions prevent such landings. During the six above specified trips he shall have made at least one landing at each terminal and scheduled intermediate stop.

For the duration of the war and not to exceed six months thereafter the Administrator may, in lieu of all or any part of the above specified trip requiring landing at or examination of intermediate fields, permit an examination of such fields from the ground or such other qualifying means as may in his opinion provide equivalent competency."

2. By amending §§ 40.2612 (c) and 40.2613 (d) to read as follows:

§ 40.2612 (c) (*Unassigned*).

§ 40.2613 (d) (*Unassigned*).

3. By amending § 40.2614 (e) to read as follows:

§ 40.2614 (e). Each first pilot within the six months preceding his qualification for an alternate route shall have made over the proposed route on which he will pilot aircraft for applicant one trip during which the visibility was not less than five miles as observed from the cockpit and during which he shall have made at least one landing at each scheduled intermediate stop and intermediate field or, in the case of an intermediate field, a visual examination thereof from a safe low altitude if field conditions prevent such landing. For the duration of the war and not to exceed six months thereafter the Administrator may, in lieu of the above specified trip permit an examination of such fields from the ground or such other qualifying means as may in his opinion provide equivalent competency.

4. By amending § 40.271 to read as follows:

§ 40.271 *First pilots.* Same as in § 40.261, except that at least one one-way trip of those trips required by § 40.2611 (b) shall have been made during the period between 1 hour after sunset and 1 hour before sunrise.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 43-4476; Filed, March 23, 1943; 11:30 a. m.]

[Amendment 60-10, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

MINIMUM SAFE ALTITUDES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of March 1943.

Effective April 1, 1943, § 60.3505 of the Civil Air Regulations is amended to read as follows:

§ 60.3505 Any maneuver required in student instruction or solo practice under the supervision of a certificated flight instructor, the Army, Navy, Marine Corps, or Coast Guard, or in flight tests given by an inspector of the Administrator, may be performed at an altitude less than 500 feet above the ground or water if necessary for the proper execution of such maneuver, notwithstanding the provisions of § 60.3503.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 43-4477; Filed, March 23, 1943; 11:30 a. m.]

[Amendment 60-12, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

CONTACT FLIGHT ON CIVIL AIRWAYS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 16th day of March 1943.

Effective April 1, 1943, Part 60 of the Civil Air Regulations is amended as follows:

1. By amending § 60.471 to read as follows:

§ 60.471 *Contact flight on civil airways.* Aircraft flying under contact flight rules along or across a civil airway during the night, except for necessary ascent and descent, shall maintain flight altitudes as described in § 60.58; and a flight plan in accordance with § 60.1330 shall be filed for any such flights which are to lie within or pass through airway traffic control areas. Aircraft flying under contact flight rules along or across a civil airway during the day, except for necessary ascent or descent, shall maintain flight altitudes as described in § 60.58 as nearly as existing conditions permit."

2. By striking § 60.4710 and inserting in lieu thereof the following:

§ 60.4710 (*Unassigned*).

3. By striking § 60.4711 and inserting in lieu thereof the following:

§ 60.4711 (*Unassigned*).

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 43-4478; Filed, March 23, 1943; 11:29 a. m.]

[Amendment 60-13, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

PROHIBITED ZONES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 16th day of March 1943.

Effective April 1, 1943, § 60.700 (a) of the Civil Air Regulations is amended to read as follows:

§ 60.700 (a) At any height whatsoever over a congested area of any city, town, or settlement, or over any open-air assembly of persons, or over any airport or landing area or within 1,000 feet horizontally thereof, or within the limits of a civil airway except within that portion lying adjacent to, but outside of a range approach channel.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 43-4479; Filed, March 23, 1943; 11:30 a. m.]

[Amendment 60-14, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

FLIGHT PLAN

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of March 1943.

Effective April 1, 1943, § 60.133 of the Civil Air Regulations is amended to read as follows:

§ 60.133 *Flight plan.* * * *

§ 60.1330 *Flight plan for contact flight.* The flight plan shall contain the following information:

(a) Identity of pilot and aircraft.

(b) Time and point of departure.

(c) Proposed cruising altitude or altitudes.

(d) Proposed route to be followed.
(e) Destination and estimated time of arrival.
(f) Usable radio equipment carried in aircraft, if any.
(g) Number of aircraft making the flight, if the aircraft are to be flown in formation.

§ 60.1331 *Flight plan for instrument or over-the-top flight.* The flight plan shall contain the following information:
(a) The aircraft identification mark, or the name of the governmental service in which the aircraft is employed, if so employed, or the name of the air carrier operator and the trip number, if engaged in scheduled air transportation service.
(b) The type of aircraft involved and the number of aircraft making the flight, if the aircraft are in formation.
(c) The name of the pilot, or of the flight commander if the aircraft are in formation.
(d) The point of departure of the particular flight for which such plan is being filed.
(e) The proposed cruising altitude or altitudes.
(f) The point of first intended landing.
(g) The proposed cruising airspeed.
(h) The radio equipment carried in the aircraft. (If no radio—NORDO; if radio receiver only—RONLY; if two-way radio, statement of transmitter frequency to be used.)
(i) The proposed time of departure. (The time of departure shall be considered as the time when the aircraft leaves the ground.)
(j) The estimated elapsed time until arrival on the ground at the point of first intended landing. (For scheduled operation, the first stop to be made, together with additional stops if requested by an airway traffic control center.)
(k) The alternate airport, if the flight is to involve instrument flight.
(l) The route, if other than a direct course, and any other pertinent information which the pilot deems useful for control purposes or which may be requested by an airway traffic control center.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 43-4480; Filed, March 23, 1943; 11:29 a. m.]

[Amendment 60-15, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

MAXIMUM SAFE ALTITUDE

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 16th day of March 1943.

Effective April 1, 1943, Part 60 of the Civil Air Regulations is amended by adding a new § 60.3512 to read as follows:

§ 60.3512 Aircraft practicing takeoffs and landings under contact flight rules within an airway traffic control area shall not exceed an altitude of 1500 feet above the airport from which such practice is being conducted.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 43-4481; Filed, March 23, 1943; 11:29 a. m.]

[Amendment 61-6, Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

ROUTE COMPETENCY RENEWAL; FIRST PILOTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 17th day of March 1943.

Effective March 17, 1943, §§ 61.5150 (a) and 61.5151 (b) of the Civil Air Regulations are amended to read as follows:

§ 61.515 *Route competency renewal.*
* * *

§ 61.5150 (a) A first pilot, who has been absent from flight duty over a regular route or part thereof for a period of less than 18 consecutive months and whose route competency has expired in accordance with the provisions of § 61.5140 (a), will be deemed competent for such route or part thereof upon completion of two one-way trips over the route or part thereof as pilot without passengers or as second pilot with or without passengers. During such trips the pilot shall be able at least once to observe every part of the route for which renewal of competency is sought, when the visibility is not less than five miles as observed from the cockpit.

§ 61.5151 (b) *Alternate route renewal.* A first pilot who has been absent from flight duty over an alternate route for a period of more than 24 consecutive months and whose competency has expired in accordance with the provisions of § 61.5141 (b) will be deemed competent for such alternate route upon completion of one one-way trip over the route as pilot without passengers or as second pilot with or without passengers.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 43-4482; Filed, March 23, 1943; 11:29 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 239—FORMS UNDER SECURITIES ACT OF 1933

RULE AS TO USE OF FORM S-1

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 7, 10 and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said Act, hereby takes the following action:

Instruction 1 under the caption "General Instructions" for Form S-1 is amended to read as follows:

1. *Rule as to use of Form S-1.* This form may be used for registration under the Securities Act of 1933 of securities of any issuer which would otherwise be authorized or required to use Form A-1, A-2 or E-1: *Provided, however,* That this form shall not be used for securities of investment companies registered under the Investment Company Act of 1940.

Effective March 20, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-4370; Filed March 22, 1943; 10:57 a. m.]

PART 270—GENERAL RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

VALUATION OF PORTFOLIO SECURITIES OF INVESTMENT COMPANIES, ETC.

Amendment to rule relating to valuation of portfolio securities of investment companies and amendment to forms relating to annual and quarterly reports of investment companies.

The Securities and Exchange Commission acting pursuant to authority conferred upon it by the Investment Company Act of 1940, particularly sections 2 (a) (39), 30 (a), 30 (b) (1) and 38 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said Act, hereby takes the following action:

I. Amendment of § 270.2A-1 [Rule N-2A-1]. Section 270.2A-1 [Rule N-2A-1] is amended to read as follows:

§ 270.2A-1 *Valuation of portfolio securities in special cases.* (a) Any investment company whose securities are qualified for sale, or for whose securities application for such qualification has been made, in any state in which the securities owned by such company are required by applicable state law or regulations to be valued at cost or on some other basis different from that prescribed by clause (A) of section 2 (a) (39) of the Act for the purpose of determining the percentage of its assets invested in any particular type or classification of securities or in the securities of any one issuer, may, in valuing its securities for the purposes of sections 5 and 12 of the Act, use the same basis of valuation as that used in complying with such state law or regulations in lieu of the method of valuation prescribed by clause (A) of section 2 (a) (39) of the Act.

(b) Any open-end company which has heretofore valued its securities at cost for the purpose of qualifying as a "mutual investment company" under the Internal Revenue Code, prior to its amendment by the Revenue Act of 1942, shall henceforth, for the purposes of sections 5 and 12 of the Act, value its securities in accordance with the method prescribed in clause (A) of section 2 (a) (39) of the Act unless such company is permitted under paragraph (a) of this rule to use a different method of valuation.

(c) A registered investment company which has adopted for the purposes of sections 5 and 12 of the Act a method of valuation permitted by paragraph (a) of this rule, shall state in its registration statement filed pursuant to section 8 [54 Stat. 803; 15 U.S.C. 80a–8] of the Act, or in a report filed pursuant to section 30 [54 Stat. 836; 15 U.S.C. 80a–30] of the Act, the method of valuation adopted and the facts which justify the adoption of such method. A registered investment company which has adopted for the purposes of sections 5 and 12 of the Act a method of valuation permitted by paragraph (a) of this rule, unless it shall have adopted such method for the purpose or partly for the purpose of qualifying as a "mutual investment company" under the Internal Revenue Code, shall continue to use that method until it has notified the Commission of its desire to use a different method, and has received from the Commission permission for such change. Such permission may be made effective on a fixed date or within such reasonable time thereafter as may be deemed advisable under the circumstances.

(d) If at any time it appears that the method of valuation adopted by any company pursuant to paragraph (a) of this rule is no longer justified by the facts, the Commission may require a change in the method of valuation within a reasonable period of time either to the method prescribed in clause (A) of section 2 (a) (39) of the Act or to some other method permitted by paragraph (a) of this rule which is justified by the existing facts.

II. Amendment of Form N–30A–1. 1. Item 48 of Form N–30A–1 is amended by inserting immediately after the item number and caption the following statement:

NOTE: This item is not required to be answered by registrants which file quarterly reports on Form N–30B–1.

2. Form N–30A–1 is amended by inserting immediately after the caption "Exhibits" on page 25 thereof the following statement:

NOTE: The exhibits required by paragraphs A and B are not required to be furnished by registrants which file quarterly reports on Form N–30B–1.

3. Item 64 of Form N–30A–1 is amended to read as follows:

64. *Regulated Investment Company.* (a) State whether registrant has elected to be a regulated investment company as defined in section 361 of the Internal Revenue Code.

(b) If registrant has elected to be a regulated investment company, state whether registrant qualified as a regulated investment company during its last taxable year.

III. Amendment of Form N–30B–1. Paragraph (e) of Item 5 of Form N–30B–1 is amended to read as follows:

(e) If registrant, in valuing its assets for the purpose of Item 5 (a), (b), (c) and (d), has adopted a method of valuation permitted by paragraph (a) of § 270.2A–1 [Rule N–2A–1], indicate the method adopted.

The foregoing action of the Commission shall become effective March 20, 1943.

(54 Stat. 796; U.S.C. 80a–2; sec. 5, 54 Stat. 800; 15 U.S.C. 80a–5; sec. 12, 54 Stat. 808; 15 U.S.C. 80a–12)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 43–4371; Filed, March 22, 1943; 10:57 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VII—National Housing Agency

[NHA General Order 60–5A]

PART 703—PUBLIC WAR HOUSING

OCCUPANCY OF PUBLIC WAR HOUSING

The purpose of this General Order is to amend NHA General Order No. 60–5, as to the length of time public war housing must be held for the use of eligible war workers, and the conditions under which such housing may be made available for other purposes.

Section 703.2 of NHA General Order No. 60–5 is hereby amended by deleting in its entirety the proviso clause constituting the last paragraph thereof and substituting in lieu thereof the following:

§ 703.2 *Exclusive reservation.* * * *

Provided, That after any housing accommodation, described in the foregoing § 703.2 (a), (b), (c), has been held available for occupancy by such eligible war workers for a reasonable period of time after completion or after any vacancy occurs, the NHA constituent unit having control of any such dwelling accommodation may (upon 10 days notice to the NHA Regional Representative who shall have the privilege of indicating a further holding period if he deems it desirable) permit such housing accommodations to be occupied, in the following order of preference, by (1) eligible *in-migrant* military personnel, viz, enlisted men in the naval or military services of the United States or to officers of the Army or Marine Corps not above the rank of Captain, and officers of the Navy and Coast Guard not above the grade of Lieutenant, Senior Grade, assigned to duty at military or naval reservations, posts or bases, or to duty at defense industries; (2) other civilian war workers (as defined in NHA General Order No. 60–1) or eligible military personnel; or (3) (in the event there is no present or anticipated demand for occupancy by such other civilian war workers or military personnel) to others eligible for occupancy as determined and prescribed by the NHA constituent unit having control of such dwelling accommodation. The term "reasonable period of time", as used in this proviso, shall be deemed to constitute a period of sixty days, except that a lesser period of time may be established by the NHA constituent unit having control of such dwelling accommodation, if such constituent unit (with the concurrence of the NHA Regional Representative) determines on the basis of local conditions that there is no present or anticipated demand for occupancy of such dwelling accommodations by indispensable immigrant civilian war workers.

The effective date of this General Order shall be March 23, 1943.

(E.O. 9070, 7 F.R. 1529)

JOHN B. BLANDFORD, JR.,
Administrator.

[F. R. Doc. 43–4489; Filed, March 23, 1943; 12:00 p. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

[General Order 30]

PART 803—GENERAL ORDERS

WAGE OR SALARY RATES INCREASES

§ 803.30 *General Order No. 30.* In accordance with the provisions of section 4 of Title II of Executive Order 9250, increases in wage or salary rates which do not bring such rates above 40¢ per hour may be made without the approval of the National War Labor Board: *Provided,* That such increases shall not furnish a basis either to increase price ceilings of the commodity or service involved or to resist otherwise justified reductions in such price ceilings.

(E.O. 9250, 7 F.R. 7871)

Adopted March 12, 1943.

L. K. GARRISON,
Executive Director.

[F. R. Doc. 43–4426; Filed, March 22, 1943; 12:20 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Order No. 347]

PART 308—REPORTS AND RECORDS

MONTHLY TONNAGE REPORTS DISTRICT 23

An order relieving code members within District No. 23 from filing monthly tonnage reports required by the rules and regulations prescribed by order in General Docket No. 24.

The Bituminous Coal Producers Board for District No. 23 having requested that the code members within said district be relieved from filing the monthly tonnage reports required to be filed pursuant to the rules and regulations requiring tonnage reports from code members, established by order in General Docket No. 24, dated April 7, 1942, and having shown good cause why such request should be granted;

It is ordered, That § 308.26 (*Rules and regulations requiring tonnage reports from code members to facilitate the levying and collection of code assessments by district boards*) be amended to provide that the code members within District No. 23 be, and they are hereby relieved, until further order of the Division, from filing with the Statistical Bureau for District No. 23 monthly tonnage data on Form B. C. D. No. 718, with respect to coal produced on and after January 1, 1943.

(Sec. 10 (a) 50 Stat. 88, 15 U.S.C. Supp. 840 (a); Sec. 2 (a) 50 Stat. 72; 15 U.S.C. 829 (a))

Dated: March 10, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-4415; Filed, March 22, 1943; 11:19 a. m.]

[Order No. 348]

PART 308—REPORTS AND RECORDS, DISTRICT NO. 13

MONTHLY TONNAGE REPORTS, DISTRICT 15

On order relieving code members within District No. 13 from filing monthly tonnage reports required by the rules and regulations prescribed by order in General Docket No. 24.

The Bituminous Coal Producers Board for District No. 13 having requested that the code members within said district be relieved from filing the monthly tonnage reports required to be filled pursuant to the rules and regulations requiring tonnage reports from code members, established by order in General Docket No. 24, dated April 7, 1942, and having shown good cause why such request should be granted;

It is ordered, That § 308.26 (*Rules and regulations requiring tonnage reports from code members to facilitate the levying and collection of code assessments by district boards*) be amended to provide that the code members within District No. 13 be, and they are hereby relieved, until further order of the Division, from filing with the Statistical Bureau for District No. 13 monthly tonnage data on B. C. D. Form No. 718, with respect to coal produced on and after January 1, 1943.

(Sec. 10 (a) 50 Stat. 88, 15 U.S.C. Supp. 840 (a); Sec. 2 (a) 50 Stat. 72; 15 U.S.C. 829 (a))

Dated: March 19, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-4416; Filed, March 22, 1943; 11:18 a. m.]

[Order No. 349]

PART 308—REPORTS AND RECORDS

MONTHLY TONNAGE REPORTS, DISTRICT 17

An order relieving code members within District No. 17 from filing monthly tonnage reports required by the rules and regulations prescribed by order in General Docket No. 24.

The Bituminous Coal Producers Board for District No. 17 having requested that the code members within said district be relieved from filing the monthly tonnage reports required to be filed pursuant to the rules and regulations requiring tonnage reports from code members, established by order in General Docket No. 24, dated April 7, 1942, and having shown good cause why such request should be granted;

It is ordered, That § 308.26 (*Rules and regulations requiring tonnage reports from code members to facilitate the levying and collection of code assessments by district boards*) be amended to provide that the code members within District No. 17 be, and they are hereby relieved, until further order of the Division, from filing with the Statistical Bureau for District No. 17 monthly tonnage data on Form B. C. D. No. 718, with respect to coal produced on and after January 1, 1943.

(Sec. 10 (a) 50 Stat. 88, 15 U.S.C. Supp. 840 (a); Sec. 2 (a) 50 Stat. 72; 15 U.S.C. 829 (a))

Dated: March 20, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-4417; Filed, March 22, 1943; 11:19 a. m.]

[Docket No. A-1768]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

MEMORANDUM OPINION, ETC.

Memorandum opinion and order of the director in the matter of the petition of District Board No. 2 for a change in minimum prices and price classifications established for Size Groups 1 and 2 for rail shipments for the coals of the Midland Mine, Mine Index No. 148 in District No. 2.

This proceeding was instituted upon a petition filed on November 27, 1942, by District Board 2 with the Bituminous Coal Division pursuant to section 4 II (d) of the Bitumious Coal Act of 1937. The petition requests the establishment of an "A" price classification for coals in Size Groups 1 and 2 produced by Pittsburgh Coal Co., a code member in District 2, at its Midland Mine (Mine Index No. 148), for rail shipment to all market areas, in lieu of the presently effective "C" classification for such coals.

Pursuant to appropriate orders and after due notice to all interested persons, a hearing in this matter was held on January 19, 1943, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Petitioner and Bituminous Coal Consumers' Counsel appeared. All parties waived the preparation and filing of a report by the Examiner, and the matter was thereupon submitted to me for consideration.

The Midland mine is located in Chartiers Township of Washington County, Pennsylvania, in the Panhandle-Avella Subdistrict No. 7 of District 2. It operates in the Pittsburgh seam with an annual production of approximately 1,200,000 net tons. The sizes produced in Size Group 1 and 2 i. e., 4" lump, 6" x 4" egg, and 6" lump, are marketed for domestic consumption. The mine is equipped with a modern tipple and has modern preparation facilities.

On the basis of information available at the time, District Board 2 proposed and the Division, in General Docket No. 15, established a "C" classification. According to Francis Y. Casey, Vice-Chairman of District Board 2, the Price and Classification Committee of the District Board, of which he is a member, recently conducted investigations and obtained additional information which indicates that the "C" classification should be revised.

It appears that Pittsburgh Coal Co. regularly markets domestic coals in Size Groups 1 and 2 produced at the Midland Mine under its trade name "Champion" interchangeably with other coals under the same trade name which are produced at other mines operated by it and classified "A" in these size groups. While analytical qualities are not relatively important factors in the sale of domestic coals, Casey testified that analytically Midland coals are practically identical with coals produced at Pittsburgh Coal Co. Champion No. 1 Mine (Mine Index No. 28), for which an "A" classification was established. The record established that the real basis on which the requested classification is justified is the fact that Midland coals, in the size groups in question, are of exceptionally high quality, firm structure, favorable appearance, are produced in large block lumps, and enjoy customer acceptability comparable to similarly sized coals with "A" classification. Casey testified further that the other mines in the immediate area for which a "C" classification was established produce coals of smaller lumps, and do not enjoy customer ac-

ceptability comparable to the Midland domestic coals in Size Groups 1 and 2.[1]

No opposition to the request of District Board 2 was expressed at the hearing. The evidence adequately supports the request and establishes that the coals in question are comparable to and are of equal value with similarly sized coals produced by mines in the immediate area for which a price classification of "A" has been established. I am of the opinion that such a price classification for the coals in question would properly reflect their relative market value, and would properly relate such coals with comparable competitive coals.[2]

[1] With respect to "the large mines operating in District 2," the witness Casey testified that at the time of the original proposal of their classifications, the District Board had information only as to analytical comparisons but not as to other characteristics such as structure. To assure a proper correlation of the price classification of the coals involved herein with that of competitive, comparable coals in District 2, it is expected that the District Board will promptly undertake an investigation of the characteristics of the coals produced by such mines in District 2 and propose reclassifications where necessary to effectuate the purpose of the Act.

[2] While the foregoing relief appears warranted in this case, it should be reflected here, as has been pointed out in prior cases, that long established minimum prices will not be increased, where maximum prices may thereby be affected, unless a showing is satisfactorily made that such revision complies in all respects with the standards of the Act and effectuates the purposes thereof. See *In the Matter of the Petition of Kentucky Cardinal Coal Corporation, etc.*, Docket No. A–1478; *In the Matter of Petition of District Board No. 8 etc.*, Docket No. A–1634.

For the foregoing reasons and upon the basis of the entire record in this proceeding I find that coals in Size Groups 1 and 2, for rail shipment to all market areas, produced at the Midland Mine (Mine Index No. 148) of the Pittsburgh Coal Co. should be classified "A" instead of "C" and minimum prices therefor revised accordingly. I further find that such classification complies with the standards set forth in section 4 II (a) and (b) of the Act, and is necessary to effectuate the policy and purpose thereof.

Now, therefore, it is ordered, That effective fifteen (15) days from the date of this order § 322.7 (*Alphabetical list of code members*) be, and the same hereby is, amended by revising the price classification of coals produced by Pittsburgh Coal Co. at its Midland Mine (Mine Index No. 148) in District 2 in Size Groups 1 and 2 from "C" to "A".

Dated: March 19, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–4414; Filed, March 22, 1943; 11:19 a. m.]

[Dockets Nos. A–1872, A–1877 and A–1890]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER CONSOLIDATING MATTERS, ETC.

Order consolidating matters, granting temporary relief and conditionally providing for final relief in the matter of the petitions of District Board No. 7 for the establishment of price classifications and minimum prices for the coals of certain mines and for changes in shipping points for the coals of certain other mines.

Original petitions pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7 and for changes in shipping points for certain other mines in Distrct No. 7; and

It appearing that said petitions should be consolidated and that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 327.21 (*High volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R–II, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: March 5, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R–I.

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-district No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group No.									
								1	2	3	4	5	6	7	8	9	10
335	Charleston Coal Company	Sewell-Terry	2	Sewell	Royal, W. Va	C&O	10	A	(†)	(†)	(†)	(†)	A	A	B	B	B
336	E & S Coal Company (W. B. Swope)	E & S #2	4	Fire Creek	Davy, W. Va	N&W	30	D	(†)	(†)	(†)	(†)	C	C	(†)	(†)	(†)
571	McClung, Lawrence L	Link McClung	1	Sewell	Quinwood & Rupert, W. Va	C&O-NYC	19	D	(†)	(†)	(†)	(†)	B	B	C	C	(†)
334	Brewster, T. J. (War Pocahontas)	Brewster #2	4	War Creek	War, W. Va	N&W	30	D	(†)	(†)	(†)	(†)	E	D	(†)	(†)	(†)
187	United States Coal & Coke Company	#3	3	Poca. 3	Gary, W. Va.[1]	N&W	20	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(†)	(†)	(†)
221	United States Coal & Coke Company	#11	3	Poca. 4	Thorpe (Gary), W. Va.[2]	N&W	20	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(†)	(†)	(†)
195	United States Coal & Coke Company	#12	3	Poca. 4	Anawalt, W. Va.[3]	N&W	20	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(†)	(†)	(†)

†When shown under a size group number, this symbol indicates no classification effective for this size group.
*When shown under a size group number, this symbol indicates coals previously classified in this size group.
[1] Denotes change in shipping point. Shipping point at Thorpe (Gary), W. Va., shall no longer be applicable.
[2] Denotes change in shipping point. Shipping point at Ream, W. Va., shall no longer be applicable.
[3] Denotes change in shipping point. Shipping point at Gary, W. Va., shall no longer be applicable.

§ 327.21 *High volatile coals: Alphabetical list of code members*—Supplement R–II

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	High-volatile seam	Sub-district No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
337	Gauley Mt. Coal Co., The	Rich Creek #1	#2 Gas	2	Bryce, W. Va.	C&O	70	L	L	F	E	E	C	E	A	A	A	A	(†)	(†)	(†)	(†)	C	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
338	Gauley Mt. Coal Co., The	Rich Creek #3	#2 Gas	2	Bryce, W. Va.	C&O	70	L	L	F	E	E	C	E	A	A	A	A	(†)	(†)	(†)	(†)	C	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)

†When shown under a size group number, this symbol indicates no classification effective for this size group.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine	Mine index No.	Subdivision No.	County	Seam	All lump ¾" or larger, all egg and stove	All nut or pea 1¼" top size or smaller	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Charleston Coal Company	Sewell-Terry	335	2	Raleigh	Sewell	350	.....	300	235	215	210
E & S Coal Company (W. B. Swope)	E & S #2	336	4	McDowell	Fire Creek	.....	.....	300	235	.....	.....
Gauley Mt. Coal Co., The	Rich Creek #1	337	2	Fayette	#2 Gas	335	270	300	235	210	205
McClung, Lawrence L.	Link McClung	571	1	Greenbrier	Sewell	310	270	(*)	(*)	210	(*)
Brewster, T. J. (War Pocahontas)	Brewster #2	334	4	McDowell	War Creek	.....	.....	270	215	.....	.....
Gauley Mt. Coal Co., The	Rich Creek #3	338	2	Fayette	#2 Gas	335	270	300	235	210	205

*When shown under a size group number, this symbol indicates coals previously classified in this size group.

[F. R. Doc. 43–4419; Filed, March 22, 1943; 11:20 a. m.]

[Docket No. A–1517, Part II]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING RELIEF

Order in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

A petition was filed with the Bituminous Coal Division (the "Division") on June 23, 1942, by District Board No. 8, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act") requesting temporary and permanent relief by the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

The petition contains, among other proposals, the request for price classifications and minimum prices for the coals produced by certain mines (Mine Index Nos. 136, 441 to 445, inclusive, 531, 614, 727, and 5517) of Stearns Coal & Lumber Company for all shipments except truck from its Blue Heron Preparation Plant, some of which have heretofore been established for the coals of the various mines of Stearns Coal & Lumber Company, at various shipping points.[1]

[1] The original petition was assigned Docket No. A–1517, dated July 24, 1942. That portion of the docket relating to Mine Index Nos. 136, 441, to 445, inclusive, 531, 614, 727, and 5517 of the Stearns Coal & Lumber Company, a code member, was severed from the original docket and given the above designation of No. A–1517, Part II. By way of temporary relief the order directed that the price classifications and minimum prices requested by District Board No. 8 in the original petition for the coal of these mines be effective pending disposition of Part II of No. A–1517.

A hearing in this matter was held on August 17, 1942, before W. A. Cuff, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., in which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner and Stearns Coal & Lumber Company appeared. All parties waived the preparation and filing of a report by the Examiner, and the matter was thereupon submitted to me for my consideration.

The undersigned has made Findings of Fact and Conclusions of Law and has rendered an Opinion filed herewith.

Now, therefore, it is ordered, That § 328.11 (*High volatile coals—Alphabetical list of code members*) be and it is hereby amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That the request for all other relief should be denied.

Dated: March 1, 1943.

[SEAL] DAN H. WHEELER,
Director.

DISTRICT No. 8

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *High volatile coals—Alphabetical list of code members*—Supplement R

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High-volatile seam	Sub-district No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
614	Stearns Coal & Lumber Co.	No. 17	No. 1	6	White Oak Jct., Ky. or Blue Heron, Ky.[1]	K&T	170	O	O	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(*)	(†)	O	O	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)
						K&T	170																														

*Indicates previously classified these size groups.
†Indicates no classification effective for these size groups.
[1] Indicates additional shipping point from Blue Heron Preparation Plant, Blue Heron, Kentucky.

[F. R. Doc. 43-4418; Filed, March 22, 1943; 11:18 a. m.]

[Docket No. A-1618]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING RELIEF

Order granting permanent relief in the matter of the petition of District Board No. 8 for changes in price classifications and minimum prices in Size Groups 1 to 7, inclusive, for all shipments except truck and for truck shipments, for the coals of Red Parrot No. 2 Mine (Mine Index No. 593), of Red Parrot Coal Company, a code member in District No. 8.

Upon the findings of fact and conclusions of law set forth in the opinion of the Director, filed simultaneously herewith, wherein it appears that the price classifications and minimum prices of the coals of the Red Parrot Coal Company, a code member in District 8, operating the Red Parrot No. 2 Mine (Mine Index No. 593), in Size Groups 1 to 7, inclusive, and 18 to 21, inclusive, for rail and lake shipment, and in Size Groups 1, 2, 4, 7, and 8 for truck shipment, should be revised, and that the seam designation of said mine should be changed, and pursuant to section 4 II (d) and other provisions of the Bituminous Coal Act of 1937,

It is hereby ordered, That effective fifteen (15) days from the date hereof, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 328.34 (*General prices for high, volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof;

It is further ordered, That the seam designation of the Red Parrot No. 2 Mine (Mine Index No. 593) be changed from "Red Parrot" to "No. 5 Block Seam."

Dated: March 9, 1943.

[SEAL] DAN H. WHEELER, *Director.*

DISTRICT No. 8

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Sub-district No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
593	Red Parrot Coal Company, The.	Red Parrot No. 2	No. 5 Block[1]	4	Prenter, W. Va.	C&O	123	G	G	G	F	(*)	(*)	(*)	(*)	(*)	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)	G	G	G	E	(*)	(*)	(*)	(*)	F	(†)	(†)	(†)	(†)	(†)

[1] Indicates change in seam designation.

*Indicates previously classified these size groups.

†Indicates no classification effective for these size groups.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine Index No.	Seam	Base sizes							
				Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 4—KANAWHA BOONE COUNTY, W. VA.											
Red Parrot Coal Company, The	Red Parrot No. 2	593	No. 5 Block [1]	310	290	(*)	255	(*)	(*)	195	190

[1] Indicates change in seam designation.
*Indicates previously classified these size groups.

[F. R. Doc. 43-4413; Filed, March 22, 1943; 11:19 a. m.]

[Docket No. A-1880]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 9 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 9.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 329.24 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: March 12, 1943.

[SEAL] DAN H. WHEELER, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Producer	Mine	Seam	Freight origin group	Shipping point	Railroad
[1] 646	Harris, Henry	Harris	9	[2] 10	Greenville [3]	IC.
[1] 1062	Hart Coal Company	Moss Hill No. 3	11	40	Morton	L&N.
					Madisonville	IC.
[1] 926	Hodges, A. W	A. W. Hodges	9	10	Beaver Dam	IC.
[1] 1059	Steele, Harvey	Steele	9	10	Greenville	IC.
[1] 1063	West Kentucky Coal Company	North Diamond No. 3	11	40	Earlington	L&N.
					Madisonville	IC.
[4] 1064	Thomas, Len	Thomas	6	30	Empire Mine	L&N.

[1] The f. o. b. mine prices for coal shipped by Mine Index Nos. 646, 1062, 926, 1059, 1063 to any market area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Mine Index No. 1, in Price Schedule No. 1 for District No. 9, for all shipments except truck.
[2] Freight Origin Group 30 no longer applicable.
[3] Shipping point, Bevier, Kentucky, is no longer applicable.
[4] The f. o. b. mine prices for coal shipped by Mine Index No. 1064 to any market area in any size group and for any use, including railroad locomotive fuel, are the same as the prices shown for Dawson Daylight Coal Company, Mine Index No. 19, in Price Schedule No. 1 for District No. 9, for all shipments except truck.

FOR TRUCK SHIPMENTS

§ 329.24 *General prices in cents per net ton for shipment into any market area.*—Supplement T

Code member index	Mine Index No.	Mine	Seam	Prices and size group Nos.																	
				1, 2	3	4	5	6	7	8	9	10, 11, 12	13, 14	15	17	18, 19, 20	21, 22	23, 24	25	26, 27	28, 29
HOPKINS COUNTY																					
Hart Coal Company	1062	Moss Hill #3	#11	210	200	190	180	175	165	165	155	145	115	55	..	..	..	..	..	125	120
Thomas, Len	1064	Thomas	#6	235	225	215	205	200	190	190	185	180	165	105	..	..	..	..	..	175	170
West Kentucky Coal Company	1063	North Diamond #3	#11	210	200	190	180	175	165	165	156	145	115	55	..	..	..	..	..	125	120
MUHLENBERG COUNTY																					
Steele, Harvey	1059	Steele	#9	210	200	190	180	175	165	165	155	145	115	55	..	..	..	..	..	125	120

[F. R. Doc. 43-4412; Filed, March 22, 1943; 11:20 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Order 93]

HARRISBURG STATE HOSPITAL PROJECT, PA.

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Harrisburg State Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 93. Said project, located at Harrisburg, Dauphin County, Pennsylvania, will be the base of operations for work at the Harrisburg State Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV–E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Harrisburg State Hospital Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Harrisburg State Hospital, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Harrisburg State Hospital. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

MARCH 20, 1943.

[F. R. Doc. 43-4431; Filed, March 22, 1943; 4:03 p. m.]

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment 33]

PART 802—GENERAL LICENSES

MISCELLANEOUS AMENDMENTS

Correction

In the list of countries in the second paragraph of the document on page 3390 of the issue for Saturday, March 20, 1943, the following item should be inserted between Iraq and Lebanon:

Kuwait	40

[Amendment 35]

PART 808—PROCEDURE RELATING TO SHIPMENT OF LICENSED EXPORTS TO THE OTHER AMERICAN REPUBLICS

SHIPPING SPACE ALLOCATION

Paragraph (a) of § 808.3 *Space allocation for shipment of commodities weighing less than 2240 pounds*[1] is hereby amended to read as follows:

(a) An exporter shipping directly or through an agent may make not more than one shipment weighing less than 2240 pounds on a single vessel to each port of call of such vessel until such exporter or his agent has applied on Form BEW–138 and obtained shipping space for more than one such proposed shipment: *Provided, however*, That these provisions shall not apply to exports to Costa Rica, Cuba, Dominican Republics, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua and Panama.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 40, 8 F.R. 1938.)

Dated: March 22, 1943.

A. N. ZIEGLER,
Acting Chief of Office,
Office of Exports.

[F. R. Doc. 43-4473; Filed, March 23, 1943; 10:57 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 1052—KITCHEN, HOUSEHOLD AND OTHER MISCELLANEOUS ARTICLES

[Supplementary Limitation Order L–30–a, as Amended March 22, 1943]

GALVANIZED WARE AND NON-METAL COATED METAL ARTICLES

§ 1052.2 *Supplementary Limitation Order L–30–a*—(a) *Definitions.* For the purposes of this order:

(1) "Restricted" when applied to any products or articles, means made of iron or steel which is zinc-coated or has a plain, japanned, painted, lithographed or lacquered finish.

(2) "Preferred order" means any purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(3) "Garbage, rubbish and ash receptacles" or "garbage cans and pails" do not include:

(i) Cans which are both specifically designed for, and of a type customarily used for, the disposal of oily waste or film scrap; or

(ii) Cans produced in fulfillment of preferred orders, provided such cans are constructed in accordance with United States Army Specifications Nos. 29–91 (dated October 18, 1939) or 29–91A (dated March 3, 1942), Federal Specification No. RR–C–81 (as amended May, 1936), Emergency Alternate Federal Specification No. E–RR–C–81 (dated April 30, 1941), or Bureau of Ships Specification No. 42C23 (INT) (dated June 1, 1942).

(4) "Pails," "buckets" or "tubs" do not include:

(i) Any pails, buckets or tubs designed expressly for use as packing or shipping containers; or

(ii) Any buckets produced in fulfillment of preferred orders, provided such buckets are constructed in accordance with Federal Specification No RR–B–771a (dated March 3, 1939) or Emergency Alternate Federal Specification No. E–RR–B–771a (dated December 11, 1941).

(5) [Deleted March 22, 1943]

(6) "Manufacturer" means any person who produces or assembles any restricted product or article, or any part for such product or article.

(7) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(8) "Base period" means the twelve months ending June 30, 1941.

(b) *Restrictions on miscellaneous articles.* Except as provided in paragraph (g), on and after November 12, 1942, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any of the following restricted articles:

(1) Watering pots,

(2) Radiator and tractor filling cans (other than blitz cans),

(3) Foot baths,

(4) Liquid and dry measures (other than oil measures with flexible spouts), except in fulfillment of preferred orders,

(5) Dippers, except in fulfillment of preferred orders,

(6) Ash sifters,

(7) Coal hods and scuttles,

(8) Utility baskets.

(c) *Restrictions on garbage, rubbish and ash receptacles.* (1) Except as provided in paragraph (g), on and after November 12, 1942, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any restricted garbage, rubbish or ash receptacles except garbage cans and pails as permitted in Schedule A attached to this order.

(2) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, no manufacturer shall put into process more iron and steel, by weight, in the production of restricted garbage cans and pails permitted under Schedule A than three times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted garbage, rubbish and ash receptacles.

[1] 8 F.R. 1574, 2773.

(d) *Restrictions on pails, buckets and tubs.* (1) Except as provided in paragraph (g), on and after November 12, 1942, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any restricted pails, buckets or tubs (other than fire buckets) except pails and buckets and wash tubs as permitted under Schedule A.

(2) On and after January 1, 1943, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any restricted fire bucket.

(3) Except in fulfillment of preferred orders and orders placed by the Rubber Development Corporation, U. S. Commercial Corporation and Defense Supplies Corporation, and except as provided in paragraph (d) (4), during the period of three months beginning January 1, 1943 and during each succeeding period of three months no manufacturer shall put into process more iron and steel, by weight, in the production of:

(i) Restricted pails and buckets permitted under Schedule A than three times 16⅔% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted pails and buckets (other than fire buckets and wringer buckets); or

(ii) Restricted washtubs permitted under Schedule A than three times 16⅔% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of the restricted washtubs.

(4) A manufacturer may increase the percentages described in paragraph (d) (3) from 16⅔% to not more than 50%, to the extent that he puts into process iron or steel which he has identified as falling within one or more of the following classes:

(i) Iron and steel in his inventory on March 22, 1943;

(ii) Iron and steel obtained by him pursuant to a special sale, as defined in Priorities Regulation No. 13, and in accordance with the terms of that regulation;

(iii) Top cuts of steel (being that portion of steel in ingot normally discarded as not meeting special quality requirements of the customer's order for which it was melted);

(iv) Bessemer processed steel;

(v) Sheet mill seconds, rejects and wasters, 28-gauge and heavier;

(vi) Tin mill black plate rejects, 29 and 30-gauge;

(vii) Iron and steel obtained by him from a warehouse (as defined in Conservation Order M-21-b).

(e) *Restrictions on wash boilers and fire shovels.* (1) Except as provided in paragraph (g), on and after November 12, 1942, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any:

(i) Restricted wash boiler except as permitted in Schedule A; or

(ii) Restricted fire shovel more than 22 inches in length.

(2) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, no manufacturer shall put into process more iron and steel, by weight, in the production of:

(i) Restricted wash boilers permitted under Schedule A than three times 50% of the average monthly amount of iron and steel, by weight, put into process by him in the base period in the production of wash boilers (whether restricted or not), or

(ii) Restricted fire shovels, than three times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted fire shovels.

(f) *Restrictions on funnels, refrigerator pans and cans designed for the storage of oil, kerosene or gasoline.* (1) Except as provided in paragraph (g), no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of:

(i) Any restricted funnels, except:

(*a*) In fulfillment of preferred orders or

(*b*) As permitted in Schedule A;

(ii) Any restricted refrigerator pans; or

(iii) Any restricted cans, with a capacity of one to five gallons, inclusive, designed for the storage of oil, gasoline or kerosene, except:

(*a*) In fulfillment of preferred orders,

(*b*) Cans commonly known as safety cans, used for the storage of inflammable liquids,

(*c*) Cans used as operating supplies by railroads, common carriers, or mines (as defined in Order P-56), provided that all such cans are sold only in fulfillment of purchase orders from railroads, common carriers or mines, or

(*d*) Cans designed for use on tank trucks for petroleum distribution operations.

(2) Except in fulfillment of preferred orders, no manufacturer shall put into process in the production of restricted funnels permitted under Schedule A:

(i) Any material other than iron or steel which he has identified as falling within one or more of the classes of iron and steel enumerated in subparagraphs (i) to (vii) of paragraph (d) (4); or

(ii) More iron and steel of such classes, by weight,

(*a*) During the period from March 22, 1943 to March 31, 1943, inclusive, than 50% of the average monthly amount of all iron and steel, by weight, put into process by him during the base period in the production of restricted funnels, or

(*b*) During the period of three months beginning April 1, 1943, and during each succeeding period of three months, than three times 50% of the average monthly amount of all iron and steel, by weight, put into process by him during the base period in the production of restricted funnels.

(g) *Exceptions.* Notwithstanding the provisions of paragraphs (b), (c) (1), (d) (1), (e) (1) and (f) (1), a manufacturer may produce any restricted article mentioned in these paragraphs from iron and steel which, on November 12, 1942, had been cut or blanked to size for such restricted article by him or by any other person: *Provided*, That such restricted article is completed on or before December 7, 1942, except for the application of a zinc or other coating and the attaching of bails, handles, spouts or ears, which may be done thereafter.

(h) *Applicability of other orders.* The provisions of this order shall supersede the provisions of Limitation Order L-30 in respect to restricted articles covered by this order, but nothing in this order shall be deemed in any way to affect the provisions of said Order L-30 and other orders in respect to any other articles or products. In so far as any other order restricts the use of any material in the production of any restricted articles to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(j) *Appeal.* Any appeal from the provisions of this order should be made on Form PD-500, directed to the War Production Board, Consumers' Durable Goods Division, Washington, D. C., Ref: L-30-a.

(k) *Avoidance of excessive inventories.* No manufacturer shall accumulate, for use in the manufacture of restricted articles covered by this order, inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of such restricted articles as permitted by this order.

(l) *Records.* All persons affected by this order shall keep and preserve for not less than two years, accurate and complete records concerning inventories, production and sales.

(m) *Audit and inspection.* All records required to be kept by this order shall,

upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(n) *Reports.* (1) All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(2) Each manufacturer shall file with the War Production Board, on or before the tenth day of each calendar month, beginning December 10, 1942, a report on Form PD-655 showing all shipments of restricted articles covered by this order made during the preceding calendar month, together with a statement of stocks of such articles on hand at the beginning and end of such month.

(o) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(p) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Division, Washington, D. C., Ref.: L-30-a.

Issued this 22d day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

SCHEDULE A

[NOTE: The article "Funnels" in the table was amended March 22, 1943.]

Under paragraphs (c) (1), (d) (1), (e) (1) and (f) (1) of Limitation Order L-30-a, except as provided in paragraph (g) of that order, on and after November 12, 1942 no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in certain restricted articles unless such restricted articles fall within the permissible sizes and other limitations set forth in this schedule. When a manufacturer is permitted by this schedule to make more than one size of any restricted article, each size he manufactures shall fall within a different one of the size ranges specified.

Articles	Number of sizes permitted each manufacturer	Size (actual capacity or dimensions)	Gauges
Garbage cans and pails (covers must not be zinc-coated).	4	5-7 gallons	26-31 gauge.
		9-11 gallons	26-31 gauge.
		20 gallons*	26-31 gauge.
		27 gallons*	22-24 gauge.
Pails and buckets (other than fire buckets and wringer buckets).	2	10 quarts*	28 gauge and lighter.
		14 quarts*	28 gauge and heavier.
Wash tubs (without stands or legs)	1	14 gallons*	28 gauge and lighter.
Wash boilers	1	11 to 14½ gallons	28 gauge and lighter.
Funnels (with or without wire strainers)	Unlimited	10" to 15" in diameter of bowl by 9½" to 12½" deep.	22-30 gauge.

*The capacity or dimensions of these sizes may vary 10 from the figures stated.

PART 1052—KITCHEN, HOUSEHOLD AND OTHER MISCELLANEOUS ARTICLES

INTERPRETATION 1

Paragraph (b) (4) of Order L-30-a, as amended February 11, 1943, refers to "liquid and dry measures (other than oil measures with flexible spouts) . . ." Oil measures which contain spouts of rigid construction but contain hinges which permit the spouts to be raised, lowered, or otherwise moved, are to be considered "measures with flexible spouts" pursuant to paragraph (b) (4) of L-30-a. (Issued March 11, 1943.)

[F. R. Doc. 43-4399; Filed, March 22, 1943; 11:24 a. m.]

PART 3102—NATIONAL EMERGENCY SPECIFICATIONS FOR STEEL PRODUCTS

[Schedule 8 to Limitation Order L-211]

CARBON STEEL PLATES

§ 3102.9 *Schedule 8 to Limitation Order L-211*—(a) *Definitions.* (1) "Plates" means flat hot-rolled finished steel products in the following dimensions:

3/16" (0.1875") or thicker, over 48" wide.
1/4" (0.250") or thicker, over 6" wide.
7.65 lb. per sq. ft. or heavier, over 48" wide.
10.2 lb. per sq. ft. or heavier, over 6" wide.

(2) "Carbon steel" means any steel on which the maximum of the range is specified or guaranteed to be 1.65 percent or less for manganese, 0.60 percent or less for silicon, 0.6 percent or less for copper, or on which the minimum of the range for copper is specified or guaranteed to be less than 0.40 percent, or on which no minimum content for any other alloying element is specified or guaranteed, or known to have been added to obtain a desired alloying effect.

(3) "Government order" means an order placed

(i) By the Government of the United States or any department or agency thereof, or

(ii) By any other person covering material to be physically incorporated into material to be delivered to such government, department, or agency, or

(iii) By a warehouse which has been designated by such government, department, or agency as a source of supply for government orders, for delivery to a stock maintained for that purpose.

(b) *Restrictions on specifications*—(1) *Government orders.* No person shall produce or deliver on a government order any carbon steel plate which does not conform to a specification set forth in List 1 or List 2 of this schedule.

(2) *Other orders.* No person shall produce, or deliver on any order other than a government order, any carbon steel plate which does not conform to a specification set forth in List 1 of this schedule.

(c) *Acceptance of delivery.* No person shall accept delivery of carbon steel plates which he knows or has reason to believe were produced or delivered in violation of the provisions of paragraph (b).

(d) *Exceptions.* (1) The provisions of paragraphs (b) and (c) shall not apply to carbon steel plates:

(i) The production, fabrication, delivery, or acceptance of which is specifically excepted by the Director General for Operations, or

(ii) Which have been produced or fabricated prior to March 22, 1943, or which prior to such date have been processed in such manner and to such extent that processing to conform to such specifications would be impracticable.

(iii) Which are certified by the U. S. Army or Navy to the producer or supplier as being necessary to insure the military characteristics of the item for which such carbon steel plates are required.

(2) The provisions of paragraphs (b) and (c) shall not prevent:

(i) Waiver by the purchaser or procuring agency of any of the inspection or test requirements of the specifications prescribed in paragraph (b).

(ii) Delivery or acceptance of carbon steel plates which because of errors in manufacture do not conform to the requirements of paragraph (b), providing such requirements are waived by the purchaser or procuring agency.

(e) *Records.* Each person owning or possessing carbon steel plates excepted by the provisions of paragraph (d) shall retain records of such material available for inspection by duly authorized representatives of the War Production Board.

Issued this 22d day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

LIST 1—SPECIFICATIONS PERMISSIBLE FOR GENERAL USE

CARBON STEEL PLATES

Tensile strength	Specification designation and grade	Specification title
SHIP HULLS		
55,000-65,000	ABS-1942, Section 39, Cold Flanging	Structural steel for hulls.
58,000-70,000	ABS-1942, Section 39, Structural	Structural steel for hulls.
STRUCTURAL		
45,000 Minimum	ASTM-A78-40, Grade A	Low tensile strength carbon-steel plates of structural quality for welding.
48,000-58,000	ASTM-A113-42, Cold Pressing	Structural steel for locomotives and cars.
48,000-58,000	AAR-M-116-42, Grade C	Steel, structural, shapes, plates and bars.
50,000 Minimum	ASTM-A78-40, Grade B	Low tensile strength carbon-steel plates of structural quality for welding.
50,000-65,000	ASTM-A113-42, Cars	Structural steel for locomotives and cars.
50,000-62,000	AAR-M-116-42, Grade B	Steel, structural, shapes, plates and bars.
55,000-65,000	ASTM-A113-42, Locomotives	Structural steel for locomotives and cars.
55,000-65,000	ASTM-A10-39	Mild steel plates.
60,000-72,000	ASTM-A7-42	Steel for bridges and buildings.

LIST 1—SPECIFICATIONS PERMISSIBLE FOR GENERAL USE—Continued

CARBON STEEL PLATES—continued

Tensile strength	Specification designation and grade	Specification title
STRUCTURAL—Con.		
60,000–72,000	AISC–1941, Section 3	Structural steel.
60,000–72,000	AREA–1941	Structural steel.
60,000–72,000	AASHO–M94–39	Structural steel for bridges and buildings.
60,000–72,000	AAR–M–116–42, Grade A	Steel, structural, shapes, plates and bars.
80,000–95,000	ASTM–A94–39	Structural silicon steel.
80,000–95,000	AREA–1941	Structural silicon steel.
80,000–95,000	AASHO–M95–39	Structural silicon steel.
FLANGE AND FIREBOX		
NON-SILICON		
45,000 Minimum	ASTM–A89–39, Flange, Grade A	Low tensile strength carbon-steel plates of flange and firebox qualities.
45,000 Minimum	ASTM–A89–39, Firebox, Grade A	
45,000 Minimum	ASME–S–2, 1940 Flange Grade A	Low tensile strength carbon-steel plates of flange and firebox qualities.
45,000 Minimum	ASME–S–2, 1940 Firebox, Grade A	
50,000 Minimum	ASTM–A89–39, Flange, Grade B	Low tensile strength carbon-steel plates of flange and firebox qualities.
50,000 Minimum	ASTM–A89–39, Firebox, Grade B	
50,000 Minimum	ASME–S–2, 1940 Flange, Grade B	Low tensile strength carbon-steel plates of flange and firebox qualities.
50,000 Minimum	ASME–S–2, 1940 Firebox, Grade B	
48,000–58,000	AAR–M–116–38, Firebox, Grade B	Steel, boiler and fire-box for locomotives.
48,000–58,000	ASTM–A30–42, Firebox, Grade B	Boiler and firebox steel for locomotives.
52,000–62,000	AAR–M–115–38, Firebox, Grade A	Steel, boiler and firebox for locomotives.
52,000–62,000	ASTM–A30–42, Firebox, Grade A	Boiler and firebox steel for locomotives.
55,000–65,000	AAR–M–115–38, Flange	Steel, boiler and firebox, for locomotives.
55,000–65,000	ASTM–A30–42, Flange	Boiler and firebox steel for locomotives.
55,000–65,000	ASTM–A70–42, Flange	Carbon-steel plates for stationary boilers and other pressure vessels
55,000–65,000	ASTM–A70–42, Firebox	
55,000–65,000	ASME–S–1, 1940, Flange	Carbon-steel plates for stationary boilers and other pressure vessels.
55,000–65,000	ASME–S–1, 1940, Firebox	
SILICON TYPE		
55,000–65,000	ASTM–A201–39, Flange, Grade A	Carbon-silicon-steel plates of ordinary tensile ranges for fusion-welded boilers and other pressure vessels.
55,000–65,000	ASTM–A201–39, Firebox, Grade A	
55,000–65,000	ASME–S–42, 1940 Flange, Grade A	Carbon-silicon-steel plates of ordinary tensile ranges for fusion-welded boilers and other pressure vessels.
55,000–65,000	ASME–S–42, 1940 Firebox Grade A	
60,000–70,000	ASTM–A201–39, Flange, Grade B	Carbon-silicon-steel plates of ordinary tensile ranges for fusion-welded boilers and other pressure vessels.
60,000–70,000	ASTM–A201–39, Firebox, Grade B	
60,000–70,000	ASME–S–42, 1940, Flange, Grade B	Carbon-silicon-steel plates of ordinary tensile ranges for fusion-welded boilers and other pressure vessels.
60,000–70,000	ASME–S–42, 1940, Firebox, Grade B	
65,000–77,000	ASTM–A212–39, Flange, Grade A	High tensile strength carbon-silicon-steel plates for boilers and other pressure vessels (plates 4½" and under in thickness)
65,000–77,000	ASTM–A212–39, Firebox, Grade A	
65,000–77,000	ASME–S–55, 1940, Flange, Grade A	High tensile strength carbon-silicon-steel plates for boilers and other pressure vessels (plates 4½" and under in thickness).
65,000–77,000	ASME–S–55, 1940, Firebox, Grade A	
70,000–82,000	ASTM–A212–39, Flange, Grade B	High tensile strength carbon-silicon-steel plates for boilers and other pressure vessels (plates 4½" and under in thickness).
70,000–82,000	ASTM–A212–39, Firebox, Grade B	
70,000–82,000	ASME–S–55, 1940, Flange, Grade B	High tensile strength carbon-silicon-steel plates for boilers and other pressure vessels (plates 4½" and under in thickness).
70,000–82,000	ASME–S–55, 1940 Firebox, Grade B	

NOTE 1: Carbon steel plates ordered to chemical composition only and those ordered to no specified tensile or chemical requirements, such as "tank" plates, "soft" plates, perforated plates, floor plates, safety tread plates and those having special surface preparation for special applications shall conform to the applicable requirements of the American Iron and Steel Institute Steel Products Manual, Section 6, revised October, 1941.

NOTE 2: ABS=American Bureau of Shipping, Rules for Building and Classing Steel Vessels
AAR=Association of American Railroads, Manual of Standard and Recommended Practice
ASTM=American Society for Testing Materials, Standard Specifications
AASHO=American Association of State Highway Officials, Standard Specifications for Highway Materials and Methods of Sampling and Testing
AREA=American Railway Engineering Association, Specifications for Steel Railway Bridges
AISC=American Institute of Steel Construction, Specification for the Design, Fabrication and Erection of Structural Steel for Buildings
ASME=American Society of Mechanical Engineers, Materials Specification Code

LIST 2—SPECIFICATIONS PERMISSIBLE FOR GOVERNMENT ORDERS ONLY

CARBON STEEL PLATES

Tensile strength	Specification designation and grade	Specification title
SHIP HULLS		
50,000 min. (Cold Flanging).	Navy 48S5, Grade F	Steel, plate, hull, structural, black (uncoated) and zinc-coated (galvanized).
55,000 Min. (Common)	Navy 48S5, Grade C	
55,000–65,000 (Cold Flanging).	Federal QQ–S–751, Grade C	Steel, structural (including steel for cold flanging) and steel, rivet: (for) ships other than naval vessels.
60,000 Min. (Medium)	Navy 48S5, Grade M	Steel, plate, hull, structural, black (uncoated) and zinc-coated (galvanized).
60,000 Min. (Welding Quality).	Federal QQ–S–751, Grade A	Steel, structural (including steel for cold flanging) and steel, rivet: (for) ships other than naval vessels.
60,000 Min. (Not Welding Quality).	Federal QQ–S–751, Grade B	
Floor Plate (Ribbed)	Navy 47S18, Type A	Steel, plate, floor, rolled.
Floor Plate (Raised Diamond)	Navy 47S18, Type B	
STRUCTURAL		
48,000–58,000 (Soft)	Army 57–114, Class A	Steel: structural (for) ordnance matériel.
48,000–58,000 (Cold Pressing).	Federal QQ–S–731 Class C	Steel: structural (for) cars.
48,000–58,000 (Gold Pressing, Copper-Bearing).	Federal QQ–S–731, Class D	
60,000 Max	Army 57–114–1, Class A	Steel, plates, shapes, sheets, strips and rectangular bars for welded structures.
50,000–65,000	Federal QQ–S–731, Class A	Steel: Structural (for) cars.
50,000–65,000 (Copper-Bearing).	Federal QQ–S–731, Class B	
60,000–72,000 (Medium)	Army 57–114, Class B	Steel: structural (for) ordnance matériel.
60,000–72,000	Federal QQ–S–741 (Note 3): Type I, Class a	Steel, structural (including welding and rivet) (for) bridges and buildings.
60,000–72,000 (Copper-Bearing).	Type I, Class b	
60,000–72,000 (Welding Quality).	Type II, Class a	
60,000–72,000 (Welding Quality Copper-Bearing).	Type II, Class b	
60,000–72,000	Navy 22Y	Specifications for structural steel welding as amended to permit surface refinishing.
80,000–95,000 (High-Strength-Silicon).	Army 57–114, Class D	Steel: Structural, (for) ordnance matériel.
BOILER, PRESSURE VESSEL AND GENERAL PURPOSE		
55,000 Minimum	Navy 48P2, Class b	Steel, plate, marine-boiler.
55,000–65,000	CG, MIN 51.2, Flange, Grade A	Marine boiler steel plate.
55,000–65,000	CG, MIN 51.2, Firebox, Grade A	
60,000 Minimum	Navy 48P2, Class a	Steel, plate, marine-boiler.
60,000–70,000	CG, MIN 51.2, Flange, Grade B	Marine boiler steel plate.
60,000–70,000	CG, MIN 51.2, Firebox, Grade B	
65,000–77,000	CG, MIN 51.2, Flange, Grade C	Marine boiler steel plate.
65,000–77,000	CG, MIN 51.2, Firebox, Grade C	
70,000–82,000	CG, MIN 51.2, Flange, Grade D	Marine boiler steel plate.
70,000–82,000	CG, MIN 51.2, Firebox, Grade D	
Commercial Quality	Navy 48P2, Class c	Steel, plate, marine boiler.

CG, MIN=U. S. Coast Guard, Marine Inspection and Navigation.

NOTE 3. Federal Specification QQ–S–711a or Federal Specification QQ–S–721a may be used pending publication and distribution of Federal Specification QQ–S–741.

NOTE 4. The applicable issue of any of the Specifications in List 2 above shall be the issue in effect on the date of the invitation to bid, or on the date of the purchase order or contract, or such subsequent issue acceptable to the manufacturer as the procuring agency may substitute in the contract.

[F. R. Doc. 43–4400; Filed, March 22, 1943; 10:24 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–256]

UNITED ENGINE & MACHINE CO.

United Engine & Machine Company, a California corporation, doing business at 310 Preda Street, San Leandro, California, is engaged in the manufacture of aluminum piston castings and finished pistons.

Between January 7, 1942 and September 30, 1942, the United Engine & Machine Company melted approximately 65,877 pounds of aluminum scrap, without the authorization of the Director of Industry Operations or the Director General for Operations. Inasmuch as the United Engine & Machine Company was specifically advised by letter dated April 24, 1942 from the War Production Board that it could not melt any plant-generated scrap and that such scrap must be disposed of through authorized smelters, but nevertheless it continued to melt its own scrap until September 30, 1942, such conduct constituted wilful violations of Supplementary Order M–1–d.

The United Engine & Machine Company, without the authorization of the Director of Industry Operations or the Director General for Operations, accepted deliveries of and melted approximately 6,000 pounds of copper wire scrap, which acts constituted wilful violations of Supplementary Order M–9–b.

These violations of Supplementary Order M–1–d and Supplementary Order M–9–b have impeded and hampered the war effort of the United States. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.256 *Suspension Order S–256.* (a) The United Engine & Machine Company, its successors and assigns, shall not accept delivery of primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part, except to enable it to fill orders having an AA–1 rating or higher, or orders which have been approved by the Regional Compliance Chief of the San Francisco Regional Office of the War Production Board.

(b) Except for the purpose of enabling the United Engine & Machine Company to fill orders having an AA–1 rating or higher, deliveries to said company shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations except as specifically authorized by the Director General for Operations.

(c) No allocations of primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part shall be made to United Engine & Machine Company, its successors and assigns, other than are necessary for the company to fill orders having an AA–1 rating or higher unless specifically approved by the Regional Compliance Chief of the San Francisco Regional Office of the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve United Engine & Machine Company, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations, or the Director General for Operations, except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on March 27, 1943 and shall expire on September 27, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 22d day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43–4428; Filed, March 22, 1943; 1:15 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–258]

REAL FORM GIRDLE CO.

Meyer Dorfman, doing business as Real Form Girdle Company, 218 Bedford Avenue, Brooklyn, New York, is engaged in the business of manufacturing women's girdles and in connection therewith uses rubber yarn. Despite the fact that Conservation Order M–124, as amended August 26, 1942, prohibits the use of rubber yarn to make girdles, for a period of three months thereafter the Real Form Girdle Company continued to knit rubber yarn into elastic fabric for girdles, using in excess of 1,000 pounds of rubber yarn to do so. The failure of the Real Form Girdle Company to acquaint itself with this restriction was so grossly negligent as to constitute a wilful violation of Conservation Order M–124, and has hampered and impeded the war effort of the United States by diverting scarce material to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered,* That:

§ 1010.258 *Suspension Order S–258.* (a) Deliveries of material to Meyer Dorfman, doing business as Real Form Girdle Company or under any other name, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to Meyer Dorfman, doing business as Real Form Girdle Company or under any other name, his successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Meyer Dorfman, doing business as Real Form Girdle Company or under any other name, from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on March 24, 1943, and shall expire on June 24, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 22d day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43–4429; Filed, March 22, 1943; 1:15 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 1]

The following direction is issued, pursuant to paragraph (t) (6) of CMP Regulation No. 1 (8 F.R. 482, 1730, 2565, 2857) to all steel producers:

(a) Orders which on or before March 22, 1943, were promised for shipment during the second quarter of 1943 shall not be displaced, in the absence of a specific direction to the contrary, by any order (including authorized controlled material orders) received at any time prior to April 15, 1943, notwithstanding any provision contained in any CMP regulation.

(b) Orders which on or before March 22, 1943, were promised for shipment during the second quarter of 1943 may be converted into authorized controlled material orders at any time pursuant to CMP Regulation No. 1.

(c) Authorized controlled material orders, or allotments converting other orders into authorized controlled material orders, which orders were not as of March 22, 1943, promised for shipment in the month indicated by the allotment number, shall be held in abeyance and not accepted until April 15, 1943.

(d) On and after April 15, 1943, authorized controlled material orders for shipment during the second quarter of 1943 shall be accepted and filled to the extent required by paragraph (t) of CMP Regulation No. 1. Such orders shall, however, be subordinated to orders mentioned in paragraph (a) above which have been converted into authorized controlled material orders prior to April 15, 1943.

(e) A consumer who receives, after March 10, 1943, an authorized production schedule in connection with a new program and is unable, by reason of this direction, to get his authorized controlled material orders accepted for shipment in time to fulfill such schedule, may apply for relief either directly, or through the Claimant Agency involved, to the appropriate Products Section of the Steel Division of the War Production Board. The Steel Division will, if the circumstances warrant, direct a producer to fill such order.

(f) This direction shall not apply to the acceptance or scheduling of authorized controlled material orders for shipment after June 30, 1943.

Issued this 22d day of March 1943.

H. G. BATCHELLER,
Director, Steel Division.

[F. R. Doc. 43–4427; Filed, March 22, 1943; 1:15 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–259]

LERNER SHOPS OF CALIFORNIA, INC.

Lerner Shops of California, Inc., is a corporation which operates retail stores in the State of California.

After December 5, 1942, without the authorization of the Director General for Operations of the War Production Board, Lerner Shops of California, Inc., began construction and ordered, purchased and withdrew from inventory, materials to begin construction on the remodeling of a building located at 6533 Pacific Boulevard, Huntington Park, California, the estimated cost of which construction was in excess of $200.00. At the time this remodeling was undertaken, Lerner Shops of California, Inc., was familiar with the provisions of Conservation Order L–41. Nevertheless, the company elected to proceed with the project, disregarding the provisions and restrictions of said order.

Since this construction was begun in violation of Conservation Order L–41, it cannot be allowed to continue. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.259 *Suspension Order S–259.* (a) Neither Lerner Shops of California, Inc., nor any other person shall order, purchase, accept delivery of, withdraw from inventory, or in any other manner secure or use material or construction plant in order to continue or complete construction of the remodeling of the building located at 6533 Pacific Boulevard, Huntington Park, California, except as specifically authorized by the Director General for Operations.

(b) Nothing contained in this order shall be deemed to relieve Lerner Shops of California, Inc. from any restriction, prohibition, or provision contained in any other order or regulation of the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on March 25, 1943.

Issued this 22d day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43–4432; Filed, March 22, 1943; 4:30 p. m.]

PART 1128—CLOSURES FOR GLASS CONTAINERS

[Conservation Order M–104,[1] as Amended March 15, 1943]

§ 1128.1 *Conservation Order M–104.* (a) *Definitions.* (1) "Closure" means any sealing or covering device affixed or to be affixed to a glass container for the purpose of retaining the contents within the container.

(2) "Glass container" means any bottle, jar, or tumbler which is made of glass and which is suitable for packing any product.

(3) "Tinplate" means sheet steel coated with tin, and includes "primes," "seconds," "waste-waste," and all other forms of tinplate except waste.

(4) "Terneplate" means sheet steel coated with a lead-tin alloy, and includes "primes," "seconds," "waste-waste," and all other forms of terneplate except waste.

(5) "Blackplate" means any sheet steel, other than tinplate or terneplate, suitable for manufacture into closures, and includes "rejects," "electrolytic waste-waste," and all other forms of blackplate except waste.

(6) "Waste" means used closures and used cans, made of tinplate, terneplate, or blackplate; and scrap tinplate, terneplate, and blackplate produced in the ordinary course of manufacturing closures.

(7) "Rubber," whether a separate sealing ring or incorporated into a closure, means any polyvinyl acetate, or any crude rubber, latex, scrap rubber, reclaimed rubber, or synthetic rubber, as defined by Supplementary Order M–15–b, as amended from time to time.

(8) "Pack," unless particularly specified, means the number of closures used for packing a product during the base period specified.

(b) *Restrictions upon manufacture, sale, and delivery of closures.* (1) No person shall sell or deliver any closure made in whole or in part of tinplate, terneplate, blackplate, wire, rubber, or waste, except under a purchase order or contract validated by delivery to such person of a purchaser's certificate, manually signed by the purchaser or an authorized official of the purchaser, in substantially the form attached hereto as Exhibit A. No person shall manufacture, sell, or deliver any such closure which he knows or has reason to believe will be used in violation of any provision of this order.

(2) No person shall use any tinplate, terneplate, blackplate, waste or rubber for the manufacture of the following types of closures:

(i) Cover caps which serve as a protective or decorative closure in addition to any original sealing medium such as another closure or paraffin.

(ii) Double shell or semi-double shell caps.

(iii) Two-piece closures when both pieces are made of metal, except as permitted in paragraph (b) (3).

(3) No person shall use any tinplate, terneplate, blackplate, wire, or rubber for the manufacture of any closure of the home canning type, except as, and to the extent permitted in Schedule V attached to this order. No closure manufactured pursuant to Schedule V shall knowingly be sold to any person for packing any product for sale.

(4) No person shall use any tinplate, terneplate, or blackplate, except "rejects" or "electrolytic waste-waste," heavier than 90 pounds per base box, for the manufacture of crown caps.

(5) No person shall use for the manufacture of closures any tinplate with a tin coating in excess of 1.25 pounds per base box.

(c) *Restrictions upon purchase, acceptance of delivery, and use of closures.* No person shall, during any calendar year (or seasonal year or other period, when specified) purchase, accept delivery of, or use for packing a product, any closure made in whole or in part of tinplate, terneplate, blackplate, or rubber, except as, and to the extent permitted in Schedules I, II, III, and IV, attached to this order: *Provided, however,* That a jobber or retailer may obtain and sell closures in conformity with the provisions of this order. Blackplate may be used wherever tinplate or terneplate is specified. Closures made of waste shall not be used for packing any product for which closures made of tinplate, terneplate, and blackplate are totally prohibited.

(d) *Exceptions.* (1) Nothing in this order shall prohibit any person who used less than 5,000 closures during the calendar year 1942 from purchasing, accepting delivery of, or using without restriction, an aggregate of 5,000 closures during any subsequent calendar year.

(2) The restrictions imposed by this order shall not apply to the purchase, acceptance of delivery, or use of closures for packing any product not listed in the schedules attached to this order, when such closures, on or before December 23, 1942, were completely manufactured or were in the form of tinplate, terneplate, or blackplate fully lithographed with a person's private design cut into strips.

(3) No certificate shall be required for the sale or delivery of closures to:

(i) Retailers;

(ii) Persons purchasing closures from retailers.

(4) Nothing in this order shall prohibit the purchase, acceptance of delivery, or use (such use to be in addition to any quota specified in the schedules attached to this order) of closures by any of the following persons or by any person for packing any product to be delivered to or for the account of any of the following persons:

(i) Army, Navy, Marine Corps, Maritime Commission, or War Shipping Administration of the United States (including persons operating vessels for such Administration or Commission for use thereon).

(ii) Any person for packing products for retail sale or distribution through post-exchanges, sales commissaries, officers' messes, servicemen's clubs, ship service stores, or outlets; provided same are located at Army or Navy camps, are not operated for private profit and are established primarily for the use of Army or Navy enlisted personnel within Army or Navy establishments or on Army or Navy vessels.

(iii) American Red Cross or United Service Organizations.

(iv) Any agency of the United States purchasing for a foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(v) Any person in the Territory of Hawaii; provided that the exception pro-

[1] This document is a restatement of Amendment 1 to M–104 as amended January 1, 1943, which appeared in the FEDERAL REGISTER of March 16, 1943, page 3169, and reflects the order in its completed form as of March 15, 1943. The effect of this amendment is to amend certain items in Schedules I and V.

vided by this paragraph (d) (4) (v) shall be limited to closures used in connection with the packing of products to be consumed in the said Territory.

(e) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(3) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Containers Division, War Production Board, Washington, D. C. Ref: M–104.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 15th day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

EXHIBIT A

PURCHASER'S CERTIFICATE

One copy of this certificate is to be delivered to each person from whom purchases are made or closures made in whole or in part of tinplate, terneplate, blackplate, wire, zinc, or rubber. Such certificate shall cover all purchases present and future.

The undersigned purchaser hereby certifies to the seller herein and to the War Production Board that he is familiar with Conservation Order M–104, as heretofore amended, and that he will not use or sell any closures purchased from

---

Name of seller

Address of seller

pursuant to this or future purchase orders or contracts, in violation of the terms of such order.

Date

Legal name of purchaser

By ---

Authorized official

Title of official

Address of purchaser

Section 35 (A) of the U. S. Criminal Code (18 U.S.C.A. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

SCHEDULE I—FOOD CLOSURES

[NOTE: Item 5 under "Milk and Dairy Products" was amended March 15, 1943]

A. Any person who used closures from January 1, 1942 to December 31, 1942, for packing a food product not listed in this Schedule I, may use an equal number of closures during the year 1943 for packing the products listed in this schedule, in addition to the quotas respectively specified.

B. Wherever the asterisk appears the packing quota relates to the number of closures and cans used for packing the applicable product.

C. Notwithstanding the provisions of paragraph (d) (4) of this order, the respective quotas specified for items 3 and 6 under Fruits and item 6 under Milk and Dairy Products shall include pack required to be set aside by any order of the Director General for Operations for purchase by government agencies.

D. No product packed in a can shall be repacked for sale in a glass container, by the same or a different person, in the same or a different form, except to the extent specifically permitted in this schedule.

E. Split year items such as "1941–2" appearing in the column "1943 Packing Quota" refer to specified seasonal year base periods to be used in computing permitted packs for subsequent seasonal years.

Product	1943 packing quota	Closure material indicated by X		
		Tinplate	Blackplate	Rubber
VEGETABLES AND VEGETABLE PRODUCTS				
1. Asparagus, green	Unlimited	X		X
2. Beans, with or without pork	25% 1941*	X		
3. Beans, fresh, including green, wax, lima, green soybeans, and fresh shelled beans.	Unlimited	X		X
4. Beets, including pickled beets. No whole beets larger than U. S. Standard ruby (medium) to be packed.	200% 1942–3	X		X
5. Carrots. Whole carrots not to be packed	150% 1942	X		X
6. Corn, fresh, sweet, cut	Unlimited	X		X
7. Peas, fresh, green	Unlimited	X		X
8. Spinach, and other green leafy vegetables limited to beet, collard, dandelion, kale, mustard, polk, and turnip greens.	300% 1941	X		X
9. Tomatoes	Unlimited	X		X
10. Tomato catsup and chili sauce, containing not less than 10.7 percent (specific gravity 1.045) or more than 25 percent, by weight, dry tomato solids:				
Closures without rubber	200% 1942	X		
Closures with rubber	150% of 1942	X		X
11. Tomato paste, containing not less than 25 percent, by weight, dry tomato solids.	50% 1942*	X		X
12. Tomato pulp or puree, containing not less than 10.7 percent (specific gravity 1.045) or more than 25 percent, by weight, dry tomato solids.	100% 1942	X		X
13. Tomato sauce, including spaghetti sauce containing not less than 8.7 percent (specific gravity 1.037) by weight, dry tomato solids, and not less than 10.0 percent (specific gravity 1.042) by weight, total dry solids, salt free. In addition to salt the contents may contain pepper, spice oils, and other flavoring ingredients.	100% 1942*	X		X
14. Vegetables, dehydrated	Unlimited		X	
15. Vegetable juices, or mixtures thereof, undiluted, except for the addition of sweetening or seasoning.	Unlimited	X		
NOTE: When required for packing other products, tomato paste, tomato pulp or puree, tomato sauce, and tomato juice may be repacked from reusable cans, 5 gallon or larger.				
FRUITS				
1. Apples, including crabapples; whole apples not to be packed.	10% 1941–2*	X		X
2. Applesauce, including sauce from crabapples	10% 1941–2*	X		X
3. Apricots. Packing quota includes pack required to be set aside by any order of the Director General for Operations for purchase by government agencies.	100% 1942	X		X
4. Blackberries, black raspberries, boysenberries, dewberries, elder berries, gooseberries, loganberries, red raspberries, and youngberries.	225% 1942	X		X
5. Cherries, red sour pitted and sweet	200% 1942	X		X
6. Figs. Packing quota includes pack required to be set aside by any order of the Director General for Operations for purchase by government agencies.	100% 1942	X		X
7. Fruit cocktail, consisting of any combination of fruits listed in this Schedule I and grapes and pineapple: *Provided*, That the combination, by drained weight, shall consist of not less than 50 percent fruits listed in this Schedule I and may consist of not to exceed 10 percent grapes. Pineapple may be repacked from No. 10 or larger cans to the extent of 7 percent of the fruit cocktail.	Unlimited	X		X
8. Olives, ripe or green ripe, whole or minced	75% 1941–2*	X		X
9. Peaches, clingstone, halves, segments, or slices	Unlimited	X		X
10. Peaches, freestone, halves, segments, or slices. Not to be packed in California.	Unlimited	X		X
11. Pears. Whole pears, except seckle pears, not to be packed	Unlimited	X		X
12. Plums	150% 1942	X		X
13. Prunes, fresh Italian	200% 1942	X		X
FRUIT PRODUCTS				
1. Fruits, crushed	100% 1942*		X	
2. Fruit butters, conserves, jams, jellies, marmalades, and preserves.	100% 1942	X		X
3. Fruit juices or mixtures thereof, other than grapefruit juice, undiluted except for the addition of sweetening.	100% 1942*	X		X until 3/31/43
4. Grapefruit juice	100% 1942*	X		X
5. Fruit concentrates, liquid, when concentrated on a ratio of 5 or more to 1.	100% 1942*	X		X
6. Fruit concentrates, dry	Unlimited		X	
7. Nectars	100% 1942*	X		
8. Pectin, liquid	100% 1942*		X	

Product	1943 packing quota	Closure material indicated by X		
		Tinplate	Black-plate	Rubber
MEATS AND MEAT PRODUCTS				
1. Beef, dried	75% 1941	X		
2. Chicken, boned, and turkey, boned	50% 1942*	X		X
3. Chili Con Carne, when packed without beans and containing not less than 50 percent meat, by uncooked weight, exclusive of added tallow.	25% 1942*	X		X
4. Corned beef hash	100% 1941*	X		
5. Lamb's tongue, pickled	100% 1942	X		
6. Meat loaf, containing not less than 90 percent meat, by uncooked weight and no added water. When packed as a chopped product, meat loaf may contain not more than 10 percent of the following ingredients: cereal, whole milk, eggs, and seasoning.	25% 1942*	X		X
7. Meat spreads, including ham, tongue, liver, beef, and sandwich spreads. When packed as a spread, the chopped product shall contain not less than 65 percent meat, by cooked weight, with added cereal or other products. When packed as deviled ham or deviled tongue, the product shall consist of chopped meat without added cereal or other products.	25% 1942*	X		X
8. Chopped luncheon meats, consisting of chopped, seasoned meat with not to exceed 3 percent added water, by weight.	25% 1942*	X		X
9. Mince meat, fresh apples only	100% 1942		X	
10. Pig's feet and cutlets, pickled, semi-boneless	100% 1942	X		
11. Sausage in casings, Vienna style, containing no cereal or similar substance and not to exceed 10 percent added water, by weight.	100% 1942	X		X
12. Tongue	100% 1942*	X		X
FISH AND SHELLFISH				
1. Clams, soft, hard, or razor	100% 1942	X		X
2. Clam broth	100% 1942*	X		
3. Crabmeat	100% 1942	X		X
4. Fish flakes, except dried fish flakes	100% 1942	X		X
5. Fish, pickled	Unlimited	X		
6. Fish pastes, including shellfish paste	100% 1942*		X	
7. Lobsters, including spiny lobsters	100% 1942*	X		X
8. Oysters	100% 1942	X		
9. Shrimp	100% 1942	X		X
SOUPS				
Seasonal: Limited to soups which shall contain not less than 7 percent, by weight, of dry solids; from any one or more of the following fresh unfrozen vegetables: asparagus, peas, spinach, tomatoes.	Unlimited	X		
Non-seasonal: Limited to the following kinds of soup which shall contain not less than the specified percentage, by weight of dry solids from fresh, brined, or frozen vegetables, meats, or other products listed in Schedules I or II, in Order M-81, provided that no person shall use for packing such soups, more than 35 percent by weight, of the frozen vegetables which he used for this purpose during 1942.	75% 1942*	X		
MILK AND DAIRY PRODUCTS				
1. Cheese spreads, processed	100% 1942	X		
2. Cheese spreads, unprocessed (e. g. limburger)	100% 1942	X		
3. Condensed milk, sweetened, as defined by the Federal Security Administration, July 2, 1940, paragraph 18,525 page 2444, Federal Register, and 18,530, page 2445, as amended, Federal Register. August 8, 1941, pages 3973 and 3974.	100% 1942*	X		
4. Cultured milk—"Cultured milks" as classified herein refers only to those cultured or fermented milk or skim milk products which develop pressure within the container (glass bottles) due to fermentation which is produced by the addition of certain materials to milk or skim milk such as sugar, yeast, cultures, and the like.	100% 1942		X	
5. Fluid milk, with or without flavoring. Quota: Until 3/1/43 100 percent, and until 6/30/43 50 percent of corresponding period of 1941.	See product column.		X	
6. Ice cream mix, dry. Packing quota includes pack required to be set aside by any order of the Director General for Operations for purchase by government agencies.	50% 1942*	X		X
7. Malted milk, including chocolate milk, dry	Unlimited		X	
SYRUPS AND HONEY				
1. Syrups—blended, bottlers, cane, corn, maple, molasses, sorghum, malt.	100% 1942*		X	
2. Chocolate or cocoa syrup	100% 1942*		X	
3. Honey	Unlimited		X	
OLIVES, PICKLES, RELISHES, CONDIMENTS AND SAUCES				
1. Pickles, piccalilli, and relishes	100% 1942	X		
2. Mustard	100% 1942	X		
3. Green olives	100% 1941	X		
4. Horseradish	100% 1942	X		
5. Sauces—beefsteak, cooking, soya, tobasco, and worcestershire.	100% 1942	X		

Product	1943 packing quota	Closure material indicated by X		
		Tinplate	Blackplate	Rubber
EDIBLE OILS AND DRESSINGS				
1. Dressings—Mayonnaise, Russian, salad and Thousand Island.	125% 1942		X	
2. French dressing	100% 1942	X		
3. Oil, edible liquid	125% 1942*		X	
4. Sandwich spread, other than meat spreads	125% 1942		X	
5. Tartar sauce	100% 1942		X	
MISCELLANEOUS FOODS				
1. Baby foods: Consisting of food products of small particle size or in liquid or semiliquid form made from the following ingredients: fruits (except dried apricots, dried pears, dried peaches, dried or dehydrated apples); vegetables; meats; poultry products; dairy products; sugar; salt or seasoning; yeast or yeast derivatives. Frozen fruits and vegetables may be used, provided that no person shall use more than 35 percent, by weight, of the amount which he used for baby foods in 1942. Potatoes and cereals may be used only in combination with other permitted products, and only provided the combined potato and cereal content does not exceed 12 percent, by weight, of the total product. Pineapple from No. 10 cans and tomato products from 5-gallon reusable cans may be used in packing baby foods.	125% 1942	X		X
Formulas—dry or liquid	125% 1942*		X	
2. Cherries, maraschino	100% 1942		X	
3. Baking powder	100% 1942*		X	
4. Dyes, certified colors	75% 1942		X	
5. Extracts	100% 1942	X		
6. Malt, dry	100% 1942*		X	
7. Milk fortifiers	100% 1942		X	
8. Nut butters	150% 1942		X	
9. Soups, dehydrated	100% 1942		X	
10. Spice	100% 1942		X	
11. Vinegars	100% 1942	X		
12. Special food products, for human consumption only, limited to foods other than usual table foods. Quota: No person shall pack any special food product unless he packed the product in substantially the same form in 1942, and unless he obtains prior permission upon application to the War Production Board.	(1)	(1)	(1)	(1)

[1] See product column.

SCHEDULE II—DRUG PRODUCTS CLOSURES

A. From December 23, 1942, to December 31, 1942, any person may pack without quota restriction any product listed in this Schedule II.

B. The packing quota relates to the number of closures and cans used for packing the applicable product.

Product, for medicinal or health purposes only	1943 packing quota	Closure material indicated by x		
		Tinplate	Blackplate	Rubber
1. Alcohol, rubbing or medicated	100% 1942		x	
2. Artificial salts	100% 1942		x	
3. Biological preparations	Unlimited	x		x
4. Blood plasma	Unlimited	x		x
5. Capsules	100% 1942		x	
6. Chemicals, dry	Unlimited	x		
7. Chemicals, liquid	Unlimited	x		
8. Citrate of magnesia	100% 1942		x	x
9. Cordials, medicinal	100% 1942		x	
10. Effervescent salts	100% 1942		x	
11. Elixirs	100% 1942		x	
12. Emulsions	100% 1942		x	
13. Extracts	100% 1942		x	
14. Flavors	100% 1942		x	
15. Fluid extracts	100% 1942		x	
16. Fluid glycerates	100% 1942		x	
17. Glycerites	100% 1942		x	
18. Glycerogelatins	100% 1942		x	
19. Honeys	100% 1942		x	
20. Jellies, aqueous	100% 1942		x	
21. Liniments	100% 1942		x	

Product, for medicinal or health purposes only	1943 packing quota	Closure material indicated by x		
		Tinplate	Blackplate	Rubber
22. Liniment of ammonia	100% 1942	x		
23. Local anesthetic solutions (injectible)	Unlimited	x		x
24. Lotions	100% 1942		x	
25. Magmas	100% 1942	x		
26. Medicinal wines	100% 1942		x	
27. Oleoresins	100% 1942		x	
28. Oleates	100% 1942		x	
29. Oils, fixed, volatile, or medicated	100% 1942	x		
30. Ointments, cerates, petrolatum, pastes	100% 1942		x	
31. Ointments, ophthalmic	100% 1942	x		
32. Pills, tablets, troches, lozenges	100% 1942		x	
33. Powders	100% 1942		x	
34. Prescriptions	Unlimited	x		
35. Proprietary preparations	100% 1942		x	
36. Soaps	100% 1942	x		
37. Solutions, aqueous or bulk intravenous	100% 1942	x		x
38. Solution of ammonia	100% 1942	x		
39. Solution of iodine	100% 1942	x		x
40. Solution of hydrogen peroxide	100% 1942	x		
41. Solutions, parenteral	Unlimited	x		x
42. Solutions, ophthalmic or nasal	100% 1942	x		
43. Spirits	100% 1942		x	
44. Spirit of ammonia, aromatic	100% 1942	x		
45. Spirit of ammonia, anisated	100% 1942	x		
46. Spirit of ether compound and spirit of ether	100% 1942	x		
47. Suppositories	100% 1942		x	
48. Syrups	100% 1942		x	
49. Tinctures	100% 1942		x	
50. Tincture of iodine	100% 1942	x		x
51. Vinegars	100% 1942	x		
52. Waters	100% 1942		x	
53. Water, laxative, purgative or medicinal	100% 1942		x	

SCHEDULE III—CHEMICALS, HOUSEHOLD AND INDUSTRIAL SUPPLY CLOSURES

A. From December 23, 1942 to December 31, 1942 any person may pack without quota restriction any product listed in this Schedule III.

B. The packing quota relates to the number of closures and cans used for packing the applicable product.

Product	1943 packing quota	Closure material indicated by x		
		Tinplate	Blackplate	Rubber
1. Adhesives, glass mucilages, and pastes	100% 1942		x	
2. Alcohol	100% 1942		x	
3. Ammonia	100% 1942	x		
4. Anti-freeze	100% 1942		x	
5. Automotive maintenance or repair items, liquid or paste	100% 1942		x	
6. Bluings	100% 1942	x		
7. Bleaches	100% 1942	x		x
8. Cements	100% 1942		x	
9. Chemicals, dry	Unlimited		x	
10. Chemicals, liquid	Unlimited	x		
11. Chemicals, reagent	Unlimited	x		
12. Cleaners	100% 1942		x	
13. Compounds for grinding, polishing, or sealing	100% 1942		x	
14. Dressings for industrial purposes	100% 1942		x	
15. Dyes	75% 1942	x		
16. Essential oils, distilled or cold pressed	100% 1942	x		
17. Embalming fluid	Unlimited		x	
18. Fire extinguisher fluids	100% 1942		x	
19. Fungicides, insecticides, and livestock or agricultural solutions or sprays.	100% 1942		x	
20. Glycerin	100% 1942		x	
21. Graphite with liquid	100% 1942		x	
22. Hypochlorite powders	100% 1942	x		
23. Inks	100% 1942	x		
24. Ink eradicators	100% 1942	x		
25. Lighter fluids	100% 1942		x	
26. Lye	100% 1942		x	
27. Oils, lubricating and machine	100% 1942		x	
28. Paints, varnishes, enamels, shellacs, lacquers, lacquer thinners, lacquer stains, paint thinners, varnish removers, turpentine and linseed oil.	100% 1942		x	
29. Phenols	Unlimited	x		
30. Photographic supplies	100% 1942	x		
31. Poisons	100% 1942		x	
32. Polishes, liquid or paste	100% 1942		x	
33. Putty	100% 1942		x	
34. Soap—hand	100% 1942		x	
35. Shoe white, liquid or cream	100% 1942		x	
36. Solvents	100% 1942		x	
37. Waxes	100% 1942		x	
38. Wood preservatives and fillers	100% 1942		x	

SCHEDULE IV—BEVERAGE CLOSURES

A. From December 23, 1942, to December 31, 1942, any person shall have the option of using closures for the bottling of malt and non-alcoholic beverages in accordance with the provisions of Order M-104 as amended September 26, 1942, or in accordance with this schedule. On and after January 1, 1943, no person shall use closures for such purpose except in accordance with this schedule.

Product—Bottling quota	Closure material
Product: Malt beverages, including only beer, ale, porter, near-beer, and mixtures thereof. Quota: Any person who produced in 1941 less than 65,000 barrels may use in any calendar month, commencing with December 1, 1942, 100 percent, and any person who produced in 1941 over 65,000 barrels may use in any calendar month, commencing with December 1, 1942, 70 percent of the number of closures affixed by him to glass containers during the corresponding month of 1941. In the case of a person who packed all or part of his 1941 production in cans, each such can may be counted as a closure affixed to a glass container. In the case of a person who did not produce any malt beverages in 1941, such beverages bottled by him, shall be considered as having been produced by him, and his authorized usage of closures shall be calculated accordingly.	Tinplate and blackplate allocated for purposes of crown manufacture, only, and in inventory of crown manufacturer or bottler on or before December 11, 1942. Also rejects and electrolytic waste-waste.
Product: Non-alcoholic beverages, including only carbonated soft drinks; non-carbonated soft drinks; unflavored carbonated waters; unflavored naturally carbonated and still waters; drinks consisting of fruit juices, vegetable juices, and combinations thereof, where less than 85 percent by weight of such drinks is pure fruit juice, vegetable juice, or a mixture thereof; and sterilized milk drinks made with powdered milk. Quota: Any person who used in 1941 less than 5,000 gross of closures, may use during any calendar quarter, commencing with October 1, 1942, 100 percent of the number of closures affixed by him to glass containers during the corresponding quarter of 1941. Any person who used in 1941 more than 5,000 and less than 7,000 gross of closures, may use not to exceed 5,000 gross of closures in any twelve-month period, commencing with October 1, 1942; the number used during any calendar quarter to be at the same proportionate rate he affixed closures to glass containers during the corresponding quarter of 1941. Any person who used in 1941 more than 7,000 gross of closures, may use during any calendar quarter, commencing with October 1, 1942, 70 percent of the number of closures affixed by him to glass containers during the corresponding quarter of 1941.	Tinplate and blackplate allocated for purposes of crown manufacture only, and in inventory of crown manufacturer or bottler on or before December 11, 1942. Also rejects and electrolytic waste-waste.

(1) No person, other than a jobber purchasing for resale, shall accept delivery of malt beverage or non-alcoholic beverage closures which would increase his inventory beyond 20 percent of the number of such closures and cans which he used in 1941 for packing malt beverages and non-alcoholic beverages.

(2) Closures for waters. Except with regard to items listed in Schedule II, no closures made of tinplate, terneplate, or blackplate shall be affixed to glass containers smaller than 12 fluid ounces, for packing unflavored carbonated, natural or mineral waters, unless such glass containers were manufactured on or before June 1, 1942.

(3) All persons who bottle malt beverages or non-alcoholic beverages, shall report upon Form PD-519 to the Containers Division, War Production Board, Washington D. C.

SCHEDULE V—HOME CANNING CLOSURES

NOTE: Schedule V was amended in its entirety March 15, 1943.

Description of closure	Manufacturer's quota from October 1, 1942 to September 30, 1943	Closure material indicated by X		
		0.50 Tinplate	Rubber	Wire bails
1. Shoulder seal jar rings for 70 mm Mason finish.	Subject to allocation of rubber.	----	X	
2. Top seal jar rings for use with 70 mm glass disc.	Subject to allocation of rubber.	----	X	
3. Top seal metal lids, 70 mm.[1]	Unlimited	X	X	
4. Bands for 70 mm top seal metal lids.[1]	Unlimited	X	----	
5. Bands for use with 70 mm. glass lids.	Unlimited	X	----	
6. Lightening type, 70 mm.	Unlimited	----	----	X
7. Top seal metal lids, smaller than 70 mm.	Unlimited	X	X	
8. One piece metal closures, 70 mm shoulder seal type.[1]	Unlimited	X	X	
9. One piece metal closures, 70 mm top seal type.[1]	Unlimited	X	X	

[1] No manufacturer or jobber of glass containers shall sell any jars, intended for home canning, which are made with 70 mm screw finish and which are manufactured on or after April 15, 1943 unless 40 percent or more of such jars have glass lids, screw bands and top seal jar rings attached to them.

CONFIDENTIAL—For use of Federal War Agencies only

Form PD-519

UNITED STATES OF AMERICA

WAR PRODUCTION BOARD

Closures for malt beverages and non-alcoholic beverages; Inventories, receipts and use by bottlers.

Report Period (Month or Quarter) _____

Name of Company _____

Address _____

Check applicable beverages:

Malt____Non-alcoholic____

INSTRUCTIONS

Bottlers of malt beverages shall report monthly, and bottlers of non-alcoholic beverages by calendar quarters. On or before the tenth day following the period reported, please send one copy of this report to each supplier from whom you obtain beverage closures, and one copy to Containers Division, War Production Board, Washington, D. C. Ref: M-104. This form may be reproduced in same size and format.

Closures made of tinplate, terneplate or blackplate:	
Permitted inventory under M-104	_____ gross
On hand first day of period	_____ gross
Received during period	_____ gross
Used, subject to quota, during period	_____ gross
Used, for sale to exempt agencies, during period	_____ gross
On hand last day of period	_____ gross
Closures made from waste:	
On hand first of period	_____ gross
Received during period	_____ gross
Used during period	_____ gross
On hand last day of period	_____ gross
Re-used crowns used during period	_____ gross

CERTIFICATION

The undersigned certifies that the above information is complete and correct to the best of his knowledge and belief:

Name of Bottler	Signature of Authorized Official
Date	Title

Section 35 (a) of the United States Criminal Code, 18 U.S.C.A. 80, makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

[F. R. Doc. 43-4432; Filed, March 22, 1943; 4:30 p. m.]

PART 937—ZINC

[General Preference Order M-11-l[1] as Amended March 23, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of zinc dust for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 937.13 *General Preference Order M-11-l*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Zinc dust" means all grades of zinc dust, produced from ores, concentrates, metallic zinc or other primary material and from scrap, dross or other primary material and from scrap, dross or other secondary material.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(3) "Producer" means any person producing zinc dust and any person who has zinc dust produced for him under a toll agreement.

(4) "Toll agreement" means any agreement by which title to material remains vested in a person other than the one processing the material.

(c) *Restrictions*—(1) *Deliveries by producers.* No producer shall ship or deliver zinc dust to any person except on presentation by that person of an allocation certificate issued by the Director General for Operations. Upon accepting an allocation certificate, the producer shall endorse thereon the amounts of zinc dust which he agrees to ship under such certificate in the calendar month covered by the certificate. No producer shall endorse an allocation certificate for zinc dust or make any shipment thereunder if, by so doing, the total endorsements, or shipments, under the certificate will exceed the amounts authorized by such certificate.

(2) *Acceptance of deliveries.* No person shall accept any delivery of zinc dust from a producer otherwise than in accordance with the provisions of this order.

(3) *Toll agreements.* Unless specifically authorized by the Director General for Operations, no person shall produce any zinc dust under any existing or future toll agreement.

(d) *Allocation certificates.* The Director General for Operations will issue allocation certificates for zinc dust on or about the first of each month. An allocation certificate will authorize shipment of specified amounts of zinc dust during the calendar month for which it is issued by a producer to the holder of the certificate. This certificate must be presented to the producer for endorsement as provided in paragraph (c) (1) of this order. A producer need not accept a new order although supported by an allocation certificate if his entire production for the month is committed under contract and he has reason to believe that other allocation certificates will be presented during the month by the person or persons to whom his production is committed in amounts at least equal to his production.

(e) *Applications for allocation certificates.* Any person wishing to apply for an allocation of zinc dust from a producer for any month beginning with January, 1943, shall file an application with the War Production Board, Zinc Division, Washington, D. C., Ref: M-11-l, not later than the fifteenth of the month preceding the month in which the allocation of zinc dust is desired: *Provided, however,* That if application is for an allocation of zinc dust for January, 1943, it may be filed not later than December 30, 1942. Persons shall make application on Form PD-755.

(f) *Exceptions.* Exceptions from the provisions of paragraphs (c) and (d) shall be as follows:

(1) *Small order exceptions.* Any producer may ship and deliver zinc dust to any other person without an allocation certificate for zinc dust: *Provided,* That such other person shall certify to the producer in writing at the time of delivery;

(i) That the total amount of zinc dust delivered to such other person from all sources (inclusive of the amount then being delivered) has not exceeded 75 pounds in the month in which delivery is being made,

(ii) That no allocation certificate for zinc dust for that month has been issued to such other person by the Director General for Operations, and

(iii) The end use to which the zinc dust is to be put.

No person shall accept from a producer delivery of more than 75 pounds of zinc dust in any month without an allocation certificate, or of any zinc dust not endorsed on the allocation certificate if he has one.

(2) *Deliveries to the Metals Reserve Company.* Any producer may ship and deliver zinc dust without an allocation certificate to the Metals Reserve Company or to any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended (15 U.S.C. section 606 (b))

[1] The effect of this amendment is to amend paragraph (l) *Expiration date.*

or to any duly authorized agent of any such corporation.

(3) *Special directions.* The Director General for Operations may, from time to time, issue special directions to any person as to the source, destination or amounts of zinc dust to be shipped and delivered by any producer or received by any person, and the Director may also specifically direct the manner and quantities in which such zinc dust may be processed.

(4) *Zinc dust for export.* Zinc dust may be shipped or delivered for export by any producer without an allocation certificate if shipment or delivery is to be made pursuant to an export license duly issued by the Office of Export Control of the Board of Economic Warfare.

(g) *Interdepartmental shipments.* The restrictions, limitations and prohibitions in paragraph (c) of this order shall apply not only to all shipments from one person to another person but also to all shipments and deliveries of zinc dust from any producing branch, division or department of any business enterprise to another branch, division or department in the same or any other business enterprise owned or controlled by the same person.

(h) Each producer of zinc dust shall file monthly, on Form PD–758, a report of his production, shipments and inventory of zinc dust. All producers and users of zinc dust shall file such other reports with the War Production Board at such times and in such manner and form as it may prescribe, showing such information as the War Production Board may from time to time require.

(i) *Addressing of communications.* All applications, statements or other communications filed pursuant to this order or concerning the subject matter hereof, should be addressed to: War Production Board, Zinc Division, Washington, D. C., Ref: M–11–l.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and, upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Effective date.* The provisions of this order other than those of paragraph (e) shall not be effective until January 1, 1943. Paragraph (e) shall be effective at once.

(l) *Expiration date.* This order shall continue in effect until revoked.

Issued this 23d day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43–4486; Filed, March 23, 1943; 11:25 a. m.]

PART 1293—HAND TOOLS SIMPLIFICATION

[Limitation Order L–157, Schedule II as Amended March 23, 1943]

FORGED AXES, FORGED HATCHETS, FORGED BROAD AXES, FORGED ADZES, AND FORGED LIGHT HAMMERS

§ 1293.3 *Schedule II to Limitation Order L–157*—(a) *Definitions.* For the purposes of this schedule:

(1) "Producer" means any person who manufactures or otherwise fabricates forged axes, forged hatchets, forged broad axes, forged adzes and forged light hammers.

(2) "Forged light hammer" means a forged hammer weighing less than 4 pounds. (Handles not included in this weight).

(3) "Put into process" means the act of material from that form in which it was received by him.

(4) "Lend-Lease Government" means the government of any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States". (Lend-Lease Act).

(b) *Simplified practices.* (1) Pursuant to Limitation Order No. L–157, the kinds, styles, sizes, weights and provisions set forth in Appendices A, B and C hereto, are hereby established as specifications for the manufacture of forged axes, forged hatchets, forged broad axes, forged adzes and forged light hammers. Notwithstanding such limitation a producer may manufacture or otherwise fabricate forged axes not conforming to the specifications set forth in Appendix A hereto, for export under a license issued by the Board of Economic Warfare or to fill an order of a Lend-Lease Government.

(2) Forged axes, forged hatchets, forged broad axes, forged adzes or forged light hammers may be supplied with or without handles. Handles shall be limited to not more than three grades, as selected by the producer, for any one pattern (irrespective of size) of axe, hatchet, broad axe, adze, or light hammer manufactured, forged, or otherwise fabricated in accordance with this paragraph (b). On or before May 15, 1943, each producer shall file on Form PD–754, with the War Production Board, Building Materials Division, Washington, D. C., a list of the three grades of handles selected by him for each pattern.

(c) *Effective date of simplified practices.* The provisions of this Schedule II, as amended, shall take effect on the 15th day of April, 1943. On and after the 15th day of April, 1943, no producer shall put into process any ferrous metal in the manufacture of a forged axe, forged hatchet, forged broad axe, forged adze or forged light hammer, which fails to conform to the specifications established by paragraph (b) of this Schedule II and as set forth in Appendices A, B, and C hereto. Notwithstanding the provisions of paragraph (b) of this Schedule II, a producer may at any time sell or deliver a forged axe, forged hatchet, forged broad axe, forged adze or forged light hammer manufactured prior to the 15th day of April, 1943.

by which a person first changes the form

(d) *Application to manufacture exceptions.* Application by a producer to manufacture a forged axe, forged hatchet, forged broad axe, forged adze or forged light hammer, not in accordance with the specifications as set forth in Appendices A, B and C of this schedule shall be made in writing to the War Production Board, Building Materials Division, Washington, D. C., Ref.: L–157. The Director General for Operations may thereupon take such action as he deems appropriate.

(e) *Records covering material, types and sizes, work in process, etc.* On or before May 15, 1943, each producer of forged axes, forged hatchets, forged broad axes, forged adzes and forged light hammers shall file on Form PD–754 with the War Production Board, Building Materials Division, Washington, D. C., a list of all items manufactured by him in conformance with this amended schedule.

Issued this 23d day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

APPENDIX A TO SCHEDULE II—LIMITATION ORDER L–157

FORGED AXES

1. Patterns, bit styles and sizes shall be as specified in the following tables 1, 2 and 3, and patterns shall conform to a manufacturer's patterns as manufactured by him on March 23, 1943. Not more than one type of any one pattern as listed shall be manufactured.

2. A "plain" bit style means a forged axe having a bit in which the transverse surface is continuous.

3. The finish on all forged axes shall be a forge finish as follows: All flash and scale to be removed with a hard wheel from the head and the bit or bits. The striking face and bit or bits shall be ground and polished, but not to exceed a finish finer than the finish resulting from the use of an 80-grit emery wheel, dry, when good commercial technique is employed. The bit or bits shall be ground and polished for a distance not to exceed 2½ inches from the cutting edge. Surfaces having a polish finish shall be completely and heavily coated with an oil or grease compound, or a clear transparent lacquer for prevention of rust. The balance of the head may be covered with a coating of paint, lacquer, enamel or other rust-proof coating over the natural forge finish.

4. In cases where a substitute name is shown in the listing of pattern names, the name listed first shall be the name of the pattern, but a producer or distributor may use one of the substituted names for the pattern, providing such listing does not indicate it as a different pattern. Substitute names may not be used for patterns other than as listed.

5. A manufacturing tolerance of 3 ounces plus or minus shall be permitted in the sizes as listed, but any pattern may only be cataloged and listed in the sizes as shown in the tables.

6. No alloy steel shall be used in the manufacture of any forged axes.

TABLE 1—SINGLE-BIT AXES

Pattern	Bit style	Size (weight of head in lbs.)
Dayton (also known as Yankee or Maine).	Plain	3, 3½, 4
Michigan	Plain	3, 3½, 4
Jersey (also known as Baltimore-Jersey, Caroline-Jersey).	Plain	3, 3½, 4
Connecticut	Plain	3, 3½, 4
Kentucky (also known as Southern-Kentucky).	Plain	3, 3½, 4
Dock axes (Patterns listed above with hardened head).	Plain	3, 3½, 4

TABLE 2—DOUBLE-BIT AXES

Michigan (also known as Crown) 2½# (also known as Cedar and Cruiser).	Plain	2½, 3, 3½, 4
Western (also known as Pennsylvania).	Plain	3, 3½, 4.
Reversible (also known as Half-Peeling).	Plain	3½, 4.
Falling	Plain	4, 4½.
Swamping	Plain	4, 4½.

TABLE 3—MISCELLANEOUS AXES

Light weight axe (varying handle lengths).	Plain	1¾, 2¼
Firemen's	Plain	2¾, 6
Pulaski (Forestry)	Plain	3¾
Intrenching and belt axe	(To be made in accordance with Army Specifications to fill Government Orders only.)	

Appendix B to Schedule II—Limitation Order L-157

Forged Hatchets, Broad Axes and Adzes

1. Patterns, sizes, widths of cutting edge and weight of head shall be as specified in the following tables 1, 2 and 3.

2. Patterns as specified shall conform to a manufacturer's patterns as manufactured by him on March 23, 1943, but not more than one type of any one pattern of hatchet, broad axe or adze as listed shall be manufactured.

(i) When "width of cutting edge in inches" for forged hatchets, forged broad axes, and forged adzes is specified in tables 1, 2 and 3 of this appendix, a tolerance of ⅛ inch plus or minus shall be permitted.

(ii) When "approximate weight of head in pounds" for forged broad axes is specified in table 2 of this appendix, a tolerance of 8 ounces plus or minus shall be permitted.

4. No alloy steel shall be used in the manufacture of any forged hatchets, forged broad axes or forged adzes.

5. The finish on all forged hatchets, forged broad axes and forged adzes, shall be a forge finish as follows: All flash and scale to be removed with a hard wheel from the head and the bit. The bit shall be, and striking face may be, ground and polished but not to exceed a finish finer than the finish resulting from the use of an 80-grit emery wheel, dry, when good commercial technique is employed. The bit shall be ground and polished for a distance not to exceed 1½ inches from the cutting edge. Surfaces having a polish finish shall be completely and heavily coated with an oil or grease compound, or a clear transparent lacquer for prevention of rust. The balance of the head may be covered with a coating of paint, lacquer, enamel or other rust-proof coating over the natural forge finish.

TABLE 1—FORGED HATCHETS

Pattern	Size	Width of cutting edge in inches
Standard patterns:		
Half	2	3½
Claw	2	3½
Broad	2	4½
Broad	4	5½
Special patterns:		
Half—(Octagon, square or round head) thin blade*	2	3½
Underhill lath, milled head, 9 or 12 rows*	1	2¼
Underhill fruit box, milled head, 12 rows, Coast pattern	1	2⅛
Underhill shingler—with gauge	------	------
Produce, 12 ounces	------	------
Packers or barrelling, 12 or 14 ounces*	------	------
Car or rig builders, plain or milled head	2	3½

*Choice of only one style or size.

TABLE 2—FORGED BROAD AXES

Pattern	Width of cutting edge in inches	Weight of head in pounds
Canada	12	7
Pennsylvania	11	6½
Pennsylvania	12	7

TABLE 3—FORGED ADZES

Pattern:	*Width of cutting edge in inches*
Half head	4
Full head	4
Full head (railroad)	5

TABLE 3—FORGED ADZES—Continued

Pattern—Continued.	*Width of cutting edge in inches*
Ship carpenters, plain	4
Ship carpenters, plain	4½
Ship carpenters, lipped	4½
Ship carpenters, lipped	5
Mine track, #3 eye	3
Railroad, A. R. E. A. design	9

Appendix C to Schedule II—Limitation Order L-157

Forged Light Hammers

1. Kinds, patterns and weights of forged light hammers shall be as specified in the following tables 1 and 2.

2. Octagon or hexagon patterns indicate a hammer having an octagonal or hexagonal neck or poll, or neck and poll.

3. The finish on all forged light hammers shall be a forge finish as follows: All flash and scale to be removed with a hard wheel. Only striking faces and peins to be ground and polished, but not to exceed a finish finer than the finish resulting from the use of an 80-grit emery wheel, dry, when good commercial technique is employed. Surfaces having a polish finish shall be completely and heavily coated with an oil or grease compound, or a clear transparent lacquer for prevention of rust. The balance of the head may be covered with a coating of paint, lacquer, enamel or other rust-proof coating over the natural forge finish.

4. Where weights are specified in tables 1 and 2, such weights are for heads only, and a tolerance of 2 ounces plus or minus shall be permitted.

5. No alloy steel shall be used in the manufacture of any forged light hammers or special purpose hammers except machinists and magnetic tack or bill-posters hammers. Alloy steels, such as are permitted at the time of manufacture by the Steel Division of the War Production Board, may be used in the manufacture of machinists and magnetic tack or bill-posters hammers.

6. Milled faces on nail and ripping hammers will be permitted on 16 ounce and 20 ounce sizes only.

TABLE 1.—FORGED LIGHT HAMMERS

Kind	Pattern	Ounces	Pounds
Nail	Octagon or hexagon	13, 16, 20	
	Bell face	7, 13, 16, 20	
	Plain	16, 20, 24 or 28	(1)
Ripping	Bell face	16 20	
Engineers and blacksmiths [2]	Cross pein		1½, 2, 2½, 3.
Bricklayers [2]	Plain or adze eye		1½.
Coopers	Regular		3, 4.
Engineers	Double face		2½, 3.
	Octagon poll, driving	7, 10	
	Rd. poll, curved claw, driving	7, 10	
	Rd. poll, straight claw, driving	12	
Farriers	Turning		2¼.
	Fitting		2¼.
	Sharpening		2¼.
Machinists	Ball pein, straight or cross pein	2, 4. 8. 12	1, 1¼, 1½, 2, 2½, 1½.
Riveting	Plain eye	4, 9, 12	
Tinners	Riveting	8, 12	
	Paneing or setting	12	
	Raising	28	
Body workers [3]			

[1] In 24 and 28 ounce weights, one weight only to be manufactured.
[2] One weight and style only.
[3] May be manufactured to fulfill a specific Government order only.

TABLE 2—SPECIAL PURPOSE HAMMERS

Kind	Weight	
	Ounces	Pounds
Boiler inspectors	9	
Hand drilling or stone cutters 4" head (#2 or #4 eye)		3
Pattern makers	5	
Prospecting pick	16, 24	
Saw setters	8	1½
Scaling hammers		1
Electricians	20	
Tack (magnetic or non-magnetic)	4, 7	
Bill posters (magnetic)	5, 8	
Tile setters	3	
Boilermakers, double face (*)		2, 3
Riveting (*)	18	
Tinners raising (*)	32	
Trimmers drop forged, with claw tool (*)	7	
Welders chipping, with wire brush (*)		1
Blacksmiths hand (set hammer with handle) 1½" face (*)		3
Tinners riveting (*)	16	

(*) May only be manufactured to fulfill a specific order of the Army, Navy, Maritime Commission or War Shipping Administration.

[F. R. Doc. 43-4485; Filed, March 23, 1943; 11:25 a. m.]

PART 3033—PORTLAND CEMENT

[Limitation Order L-179, as Amended March 23, 1943]

The fulfillment of requirements for the defense of the United States has made imminent a shortage in the supply of portland cement for defense, for private account and for export; and the following order is deemed necessary and appropriate to protect the public interest and to promote the national war effort:

§ 3033.1 *General Limitation Order L-179*—(a) *Restrictions*—(1) *Manufacture.* On and after twenty days subsequent to August 3, 1942, no person shall manufacture any portland cement except portland cement which conforms with one or more of the following specifications as such specifications exist on August 3, 1942:

(i) Federal specifications: Emergency Alternate Federal Specification for cement; Portland-E-SS-C-191b, dated June 5, 1942;

(ii) Federal specifications: Emergency Alternate Federal Specification for cement; Portland-E-SS-C-201a, dated June 5, 1942;

(iii) Federal specifications: Emergency Alternate Federal Specification for cement; Portland E-SS-C-206a, dated June 5, 1942;

(iv) American Society for Testing Materials specifications: Emergency Alternate Specification for Portland Cement A. S. T. M. Designation EA-C 150-Type I, dated June 6, 1942;

(v) American Society for Testing Materials specifications: Emergency Alternate Specification for Portland Cement A. S. T. M. Designation EA-C 150-Type III, dated June 6, 1942;

(vi) American Society for Testing Materials specifications: Emergency Alternate Specifications for Portland Cement A. S. T. M. Designation EA-C 150-Type II, dated June 6, 1942,

(2) [Revoked February 16, 1943]

(3) *Requirements for testing.* A purchaser of portland cement may require tests of such cement, but such tests may only be made in accordance with "Federal Specifications; Emergency Alternate Federal Specifications for Cement; Portland—Dated June 5, 1942, E-SS-C-158a" or "American Society for Testing Materials Specifications: Emergency Alternate Specifications for Portland Cement A. S. T. M. Designation EA-C 150, dated June 6, 1942".

(b) *Specific exemptions.* The provisions of this order shall not apply to portland cement manufactured and stored pursuant to orders or contracts for any cement:

(1) To be used in the following named projects under the direction or control of the United States Bureau of Reclamation:

(i) Boise Project—Anderson Ranch Dam—Boise, Idaho;

(ii) Central Valley Project—Kennett Division—Redding, California;

(iii) Central Valley Project—Friant Division—Friant, California;

(iv) Davis Dam Project—Kingman, Arizona;

(2) To be used in the following project under the direction or control of United States War Department, U. S. Army Engineer Corps:

(i) Norfolk Dam—Arkansas.

(3) To be used in the following projects under the direction or control of the Tennessee Valley Authority:

(i) Fontana Dam—Fontana Dam, North Carolina;

(ii) Douglas Dam—Rural Station, Jefferson City, Tennessee;

(iii) Fort Loudon Dam—Lenoir City, Tennessee;

(iv) Kentucky Dam—Gilbertsville, Kentucky;

(v) Apalachia Dam—Farner, Tennessee;

(vi) Ocoee No. 3 Dam—McFarland, Tennessee;

(4) To be used in oil wells under conditions of high temperature, such cement being commonly known as "oil well cement";

(5) To be used pursuant to the specific authorization of the Director General for Operations.

(c) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(d) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(e) *Reports.* Each person to whom this order applies shall file with the War Production Board such reports and questionnaires as said Board shall from time to time specify.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of appeal.

(h) *Applicability of other orders.* The provisions of Priorities Regulation No. 1 (§ 944.14, *Inventory restrictions*) shall not apply to this order and all transactions affected thereby. Insofar as any other order issued by the Director General for Operations, or to be issued by him after August 3, 1942, limits the use of any material to a greater extent than the limits imposed by this order the restrictions of such other order shall govern, unless otherwise specified herein.

(i) *Communications.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Building Materials Division, Washington, D. C., Ref.: L-179.

Issued this 23d day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-4484; Filed, March 23, 1943; 11:25 a. m.]

Chapter XI—Office of Price Administration

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Rev. MPR 239,[1] Amendment 1]

LAMB CARCASSES AND WHOLESALE AND RETAIL CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 239 is amended in the following respects:

1. Section 1364.160 (a) (5) is amended by changing the word "resale" to read "sale."

2. Section 1364.160 (a) (9) (i) is amended by inserting the words "bracelets, chucks, kidneys," between the word "fores" and the word "steaks."

3. Section 1364.167 (a) is amended by changing the word "two" in the last sentence of the first unnumbered paragraph to read "applicable" and by deleting the word "chuck" in the second sentence of the first unnumbered paragraph.

4. Section 1364.167 (b) is amended by deleting the word "chuck."

5. Section 1364.169 is amended by changing the words "applicable zone prices" wherever they appear to read "applicable maximum prices."

6. Section 1364.170 (a) is amended by inserting the words "and carcasses" between the word "cuts" and the figure "$0.25."

7. Section 1364.170 (d) is amended to read as follows:

(d) *Freezing.* (1) For freezing and storage by the seller, cost at published commercial rate for nearest commercial freezer not to exceed $0.50 per cwt.

(2) For freezing and storage by commercial freezer, cost at commercial rate for such freezing, plus transportation charges calculated at the lowest common carrier rate for a similar haul—both not to exceed $0.50 per cwt.

(3) If the seller is a wholesaler or hotel supply house who has paid a charge for freezing and storage under subparagraphs (1) and (2), he may upon the resale of the meat upon which the charge has been made add the amount of such charge if the meat is still in its frozen form.

8. Section 1364.170 (e) is amended by inserting the words "all supplies and" between the word "For" and the word "all."

9. Section 1364.170 (g) is amended by inserting the words "or cuts" between the word "out" and the figure "$3.50."

10. Section 1364.170 (h) (2) (i) is amended by inserting the words "purveyor of meals" between the words "hotel supply house" and the words "or commercial user."

11. Section 1364.170 (h) (2) (ii) is amended by inserting the words "purveyor of meals" between the words "hotel supply house" and the words "or commercial user."

12. Section 1364.170 (h) (4) is amended to read as follows:

(4) *Limitation on total charge for transportation and delivery.* Notwithstanding any of the provisions of paragraphs (h) (1) to (h) (3), inclusive, of this section, nothing therein contained shall be construed to permit a total charge for transportation and for delivery from the point at which the meat was slaughtered to the place of business or receiving point of a retail seller, purveyor of meals, war procurement agency, other government agency or commercial user of more than $0.50 per cwt. in price zones 1, 5, 6, 7, 8, 9, or 10; or $0.75 per cwt. in price zones 2, 3, and 4. The additions specified in this paragraph (h) for transportation and for local delivery may be charged: *Provided*, That the seller shall itemize separately on an invoice to the buyer the amount charged the buyer for transportation and/or local delivery, except that if such separate statement of transportation charges is prohibited by local law, the seller shall maintain in his own record of the transaction a separate statement of any addition for transportation or local delivery which is included in the maximum price charged.

13. Section 1364.174 (a) (10) (viii) is amended to read as follows:

(viii) "Chuck" means the subdivision of the foresaddle left after cutting a bracelet and consists of the neck, shoulders, shank and brisket. It includes the 1st to the 4th ribs. It is separated from the foresaddle or forequarter by cutting between the 4th and 5th ribs following the curvature of the ribs close to the 4th rib until this rib turns to join the breast bone at which point the cut is completed by following a line through the breast at a right angle to the chine bone. It may be split through the center of the chine bone.

14. Section 1364.174 (a) (10) (ix) is amended by changing the word "mutton" to read "lamb" and by deleting the word "breast" the second time it appears and changing it to read "brisket" the third time it appears.

15. Section 1364.174 (a) (10) (x) is amended to read as follows:

(x) "Breast or shank" means either the part which remains after the 4-rib shoulder has been removed from the yoke, in which case it includes the breast, brisket and shank, or the part which remains after the 4-rib shoulder has been removed from the chuck, in which case it includes the brisket and shank.

16. The second paragraph in § 1364.174 (a) (10), "Hotel supply cuts", is redesignated as § 1364.174 (a) (11) and is amended to read as follows:

(11) "Hotel supply cuts" means the following cuts derived from the permitted wholesale cuts:

(i) "Leg, oven-prepared" means the leg cut as described in paragraph 10 (iii) of this section with all bones except the leg bone (femur) removed and tied. The leg bone means the bone between the stifle joint and the rump bone.

(ii) "Leg, boned, rolled, and tied" means the leg cut as described in paragraph (10) (iii) of this section prepared in the following manner: All bones are removed, the fell is pulled off the shank meat up to the stifle joint, the shank meat is either cut off and placed lengthwise in the pocket left by the aitch and leg bones, or folded back, and the meat is then rolled into a cylindrical shape and tied with at least four loops.

(iii) "Loin, flank on, kidneys and suet out" means the loin cut as described in paragraph (10) (iv) of this section with the kidney and all surrounding suet and the melt removed. The fat in the loin shall be trimmed smooth and trimming by a knife shall be apparent.

(iv) "Loin, flank off, kidney and suet out" means the loin prepared as described in the preceding paragraph with the flank removed. The flank shall be removed by starting at a point on the 13th rib not more than four inches down from the point of the eye and then cutting in a straight line to a point at the other end not more than four-and-a-half inches from the chine bone.

(v) "Loin chops" means chops cut from the loin, prepared as described in the preceding paragraph with the flank off and the kidney and suet out, from which the 13th rib has been removed. To make chops, the fell is removed and the loin is then split into two parts along the center of the chine bone. Each half is further separated by making cuts straight down on lines at right angles to the chine bone. Each half loin must be cut in this manner into at least four individual chops which may be of any desired size or weight.

(vi) "Loin, boned, rolled, and tied" means the loin prepared flank on, kidney and suet out, as described in paragraph (11) (iii) of this section, from which is removed one inch of the flank containing the gristle and sinews. The 13th rib and the entire chine bone are also removed. The loin meat is then rolled into a cylindrical shape and tied with at least four loops.

(vii) "Rib chops, regular" mean chops cut from the hotel rack in the following manner: The fell is removed together with all excess fat and the rack is then divided in the center of the chine bone. The single hotel rack is then divided into rib chops by splitting between the ribs into at least four rib sections which may be of any desired size or weight.

(viii) "Rib chops, 5th to 7th rib inclusive" mean chops made from the forward end of the hotel rack as described in the preceding paragraph, which include the 5th, 6th, and 7th ribs and which contain segments of shoulder-blade bone or cartilage.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10688.

(ix) "Rib chops, 8th to 12th rib, inclusive" mean chops made from the back end of the hotel rack as described in paragraph (11) (vii) of this section which include the 8th to 12th ribs and which do not contain any segments of shoulder-blade bone or cartilage.

(x) "Yoke boned, rolled and tied" means the yoke cut from a mutton carcass as described in paragraph (10) (vi) of this section with all bones removed, rolled into a cylindrical shape and tied with at least four loops.

(xi) "Yoke, boneless stew" means small cubes of boneless meat derived from the yoke, none of which is more than two cubic inches in size or contains more than one-fourth inch of fat or consists of more than 25 percent fat.

(xii) "Shoulder, boneless stew" means small cubes of boneless meat derived from the shoulder, none of which is more than two cubic inches in size or contains more than one-fourth inch of fat or consists of more than 25 percent fat.

(xiii) "Shoulder, boned, rolled, and tied" means the 4-rib shoulder cut as described in paragraph (10) (ix) of this section with all bones removed, rolled into a cylindrical shape and tied with at least four loops.

(xiv) "Shoulder, regular stew, bone in" means small cubes of meat derived from the 4-rib shoulder none of which is larger than two cubic inches in size.

(xv) "Breast and shank, regular stew, bone in" means small cubes of meat derived from the breast and shank cut as described in paragraph (10) (x) none of which is larger than two cubic inches in size.

(xvi) "Shank, braising" means a shank separated from the breast and shank cut as described in paragraph (10) (x) in the following manner: The shank is separated from the breast at the shank knuckle bones. The cut should start at the same point as that which separates the breast and shank from the shoulder. The lower fore shank bone is cut off at the knee joint.

(xvii) "Shank, regular stew, bone in" means small cubes of meat derived from the shank cut as described in the preceding paragraph none of which is larger than two cubic inches in size.

(xviii) "Breast, regular stew, bone in" means small cubes of meat derived from the breast none of which is larger than two cubic inches in size. The breast is the part of the breast and shank which is left after the shank is severed as described in paragraph (11) (xvi) of this section. It includes the brisket.

(xix) "Hotel rack, chine removed, blade bone out" means the single hotel rack as described in paragraph (10) (v) of this section with the chine bone (backbone), including the feather bones, and the shoulder blade and shoulder blade cartilage completely removed. The chine bone is removed by cutting along the line where the ribs join the backbone.

17. Section 1364.176 (c) is amended by adding a new Item to read as follows:

Item	Lamb			Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Hotel rack—chine removed, blade bone out	48.75	45.25	40.00	34.00	24.25	22.00

18. Section 1364.177 (c) is amended by adding a new Item to read as follows:

Item	Lamb			Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Hotel rack—chine removed, blade bone out	46.75	43.25	38.00	32.00	22.00	20.00

19. Section 1364.178 is amended by inserting the words "City of St. Louis" between the words "St. Louis" and the words "and Jefferson" in the fifth paragraph after the heading "Zone 5".

20. Section 1364.178 (c) is amended by adding a new item to read as follows:

Item	Lamb			Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Hotel rack—chine removed, blade bone out	47.25	44.00	38.50	32.75	22.75	20.50

21. Section 1364.179 (c) is amended by adding a new item to read as follows:

Item	Lamb			Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Hotel rack—chine removed, blade bone out	47.75	44.25	39.00	33.00	23.00	21.00

22. Section 1364.179 (c) is amended by adding a new item to read as follows:

Item	Lamb			Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Hotel rack—chine removed, blade bone out	48.00	44.75	39.25	33.25	23.50	21.25

23. Section 1364.181 (c) is amended by adding a new item to read as follows:

Item	Lamb			Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Hotel rack—chine removed, blade bone out	48.25	45.00	39.50	33.75	23.75	21.50

24. Section 1364.182 (c) is amended by changing the figures "25.00" at the head of the second column in the table to read "45.00" and by adding a new item to read as follows:

Item	Lamb			Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Hotel rack—chine removed, blade bone out	48.75	45.25	40.00	34.00	24.25	22.00

25. Section 1364.183 (c) is amended by adding a new item to read as follows:

Item	Lamb			Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Hotel rack—chine removed, blade bone out	49.00	45.75	40.25	34.50	24.50	22.25

26. Section 1364.185 (c) (3) is amended by changing the word "Common" in the heading and the body to read "Utility".

This amendment shall become effective March 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4425; Filed, March 22, 1943; 12:14 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order 16]

MEAT, FATS, FISH, AND CHEESES

Preamble: Why These Foods Are Being Rationed. This order rations meats, cheeses, canned fish, butter, oleomargarine, fats and oils. The reasons for rationing these foods are clear to all. The necessities of total war—the food requirements for our military forces and the shortage of manpower on the farms—have combined to create a scarcity in the supply of all these foods for civilians at home.

Under these circumstances there is no alternative but to see that these scarce and highly essential foods are distributed on a fair and equitable basis. Indeed in recent weeks there has been no question in anybody's mind as to the need to ration these foods—the only real problem was *how* to ration them. Rationing has had to wait merely until a fair and workable system could be set into operation.

Why These Foods Are Rationed in One Group

The foods controlled by this order represent a great variety of more or less closely related products. The word "meat", for example, covers not just one simple commodity, as does the word "sugar"—it refers to a large number of edible cuts from several kinds of animals. These cuts are not equally plentiful (there is only a limited amount of steak in every steer), and these cuts are not equally sought by all consumers. Millions of consumer choices govern the distribution of the various kinds and cuts of meats, as well as the sale of products which can be substituted for meats, such as canned fish and cheese. Obviously, no rationing system could hope to be successful if it disregarded these individual choices and attempted an equal distribution of every cut of meat, of every type of cheese and of our relatively scarce supplies of canned fish.

For these reasons the group or point system, which has already been employed for the rationing of canned fruits and vegetables, is naturally indicated as the best method for handling the rationing problems arising under this program. Under this system all related items that need to be rationed and that can effectively be rationed together are covered as a group, with a single set of point stamps for all. The point values of the various items can then be fixed according to their individual supply and their relationship to each other.

In developing the group or point plan for meats and fats, the question arose as to whether these foods should be regarded as forming one group or two. In many of their aspects, the two groups merge into one. Thus from the production or supply standpoint, meat products are converted not only into lard but also into oleomargarine. Oleomargarine in turn can be manufactured from either animal fats or vegetable oils, or both. In dealing with the production of meats and fats, we do not have two distinct supplies, but a single total or over-all supply which is, to some extent, divided into meats and fats according to the conditions of demand.

Even from the consumer standpoint, meats and fats are to a certain extent substitutes for one another. Some people get a great deal of their dietary needs for fats by eating fat meats; others prefer lean meats, and depend on butter, oleomargarine or vegetable fats for their fat needs.

It was therefore decided to treat meats and fats as a single interrelated group of foods, to be handled by one set of rationing controls and one set of rationing stamps. This plan makes for greater flexibility in the production of the various foods and also gives the housewife a larger freedom of choice in budgeting her rationing points to suit her family needs or preferences.

Aside from these considerations, the use of a single set of stamps has the advantage of simplicity and convenience. Obviously, it is more convenient for the consumer and for the trade to handle as few kinds of stamps as possible, and when the number of stamps can be reduced without damage to the basic purposes of rationing, this is a gain of no mean importance.

How the Program Operates

In its general mechanics, this program closely parallels the processed foods rationing program. The consumer is issued point stamps and gives them to the retailer when he buys the rationed goods—using only the points that are valid for a given period. The retailer turns over the points to the wholesaler when he replenishes his stock of goods. The points are either turned over in stamp form, or, if the retailer has a ration banking account, are deposited in the bank and the transfer is made by ration bank check. The wholesaler, who is required to operate a ration banking account, also gets his supplies through the transfer of points. When the packer or producer is reached, he turns over his point receipts to the Office of Price Administration.

Institutional users—restaurants and the like—will receive points in accordance with the provisions of the Institutional User Order. This means that the supplies they receive will represent a cut from past consumption like that which the ordinary consumer has to take because of rationing. Patrons of restaurants are not required to give up ration points in order to eat rationed foods.

Industrial users of rationed commodities will receive quotas of points from the local boards on the basis of their past use. Certain industrial consumers who use fats and oils for making inedible products will receive their allotments of points from the Department of Agriculture.

A number of changes from the general pattern have been made because of the character of the commodities covered by this program. Thus, because most of the items are perishable and no large inventories can be accumulated by the consumers or by retailers, there has been no general freeze on sales of all rationed items to let retailers build up inventory prior to the start of the program. Because perishability bulks so large in this program, and because no consumer registration is needed (since consumers already have their ration books) there is also no consumers' declaration of inventory on hand when rationing begins. Retailers and wholesalers get deliveries of the rationed items for the first two weeks of rationing without surrender of points, even though deliveries to consumers require points. In this manner, trade inventories can be built up while rationing is under way.

How Retailers and Wholesalers Operate

During the first two weeks of rationing, the retailer builds up his supply of points—his point capital for rationing operations—by taking in the points which his customers give him when they buy goods. At the end of that period, the retailer has both to buy and sell his points. During the fifth week of rationing (by which time it is assumed that rationing demands will have become relatively stable), the retailer keeps a record of his sales. He then registers with his rationing board and is given an "allowable inventory," based on those sales. If his actual inventory is excessive, he is required to return points to the Office of Price Administration, so that he cannot

accumulate excessive stocks at the expense of his competitors.

The procedure for wholesalers is much the same. However, since the wholesaler makes deliveries to retailers during the first two weeks of rationing without receiving points, he has no opportunity to build up a point capital. He is, therefore, permitted to deposit in his bank account a point credit, calculated on the basis of his sales. During the fifth week of rationing, he keeps a record of his sales and then, like retailers, he registers with his local rationing board and is given an allowable inventory based on those sales. Like the retailer, he must return points matching any excessive inventory he may have.

How Small Business Is Protected Under the Rationing Program

As in previous rationing programs, the principle of an allowable inventory has been introduced for the purpose of insuring a fair distribution of business in rationed goods. Since under rationing the only way a tradesman can get goods is by giving up ration points or coupons, and since he needs to have goods in his shop in order to get these points or coupons, it is important that everybody have an equal opportunity to get goods and accumulate "ration capital" during the opening period. That is why an allowable inventory is set for each tradesman after the program has been in operation for a preliminary period. By this means, all tradesmen can get their fair share of the rationed goods for sale.

Furthermore, since retailers and wholesalers are required to give up points representing any excessive stocks they may have, no one can accumulate disproportionate inventories at the expense of his competitors or the public. Any retailer or wholesaler who finds himself handicapped in his opportunity to do business by too low an allowable inventory, can of course apply for an inventory adjustment, at any time.

Neither retailers nor wholesalers are required to register again, after their first registration on a simple form. Nor are they required to file any reports after that registration.

Special Provisions for Home Producers

Although consumers generally must surrender points to get meats, butter, and fats, a special but limited exception has been made for persons who slaughter their own livestock, or make lard or butter or other rationed foods for their personal consumption. Such persons need not surrender any points for the use of the goods they themselves produce. In addition, they are permitted to lend these foods to others, in limited amounts. Thus, the habit of pooling home production, existing in some sections of the country, can continue to operate under rationing.

How Producers and Processors (Primary Distributors) Operate

Slaughterers, packers, importers, processors and other producers of the foods rationed under this order must continue to make reports to the Office of Price Administration after they register, since they are the primary source of these foods and all rationed food must be accounted for.

In order to avoid unnecessary burdens, small primary distributors are permitted to report to their local boards, on a simplified form. The larger primary distributors report to the district offices, in somewhat greater detail.

Farmers who slaughter livestock for sale, or who produce lard and butter or other foods covered by the order for sale, are required to comply with the same regulations that govern other commercial primary distributors. They cannot make sales except for points, and they are required to register. However, they are generally entitled to use the simplified report forms for the months they operate. In order to permit farm slaughterer primary distributors to operate economically, the order allows them to sell to consumers for stamps which have not yet become valid. In this way, they can follow the practice of disposing of their primal cuts, to single consumers or families, before spoilage sets in.

§ 1407.3026. *Rationing of meats, fats, fish, and cheeses.* Under the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 7, 1942; Directive No. 1 and Supplementary Directive No. 1–M of the War Production Board, issued on January 24, 1942 and September 12, 1942, respectively; Executive Order No. 9280, issued by the President on December 5, 1942; and Food Directives No. 1, No. 3, No. 5, No. 6 and No. 7 issued by the Secretary of Agriculture, Ration Order No. 16 (Meat, Fats, Fish, and Cheeses), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1407.3026 issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, 7 F.R. 562, and Supp. Dir. 1–M, 7 F.R. 7234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7.

RATION ORDER NO. 16—MEAT, FATS, FISH, AND CHEESES

CONTENTS

Article I—Introduction [1]

SECTION 1.1 *Foods covered by this order.* (a) This order covers "meat", "canned fish", "rationed cheeses" and "rationed fats or oils".

(1) "Meat" means the carcass or any edible part of the carcass of cattle, calves, sheep, lambs or swine. It includes edible offal, bones and skins. It also includes any other edible product containing more than twenty per cent, by weight, of any of the above items.

[1] Words which are specially defined in this order are shown in quotation marks the first time they appear in each Article. Definitions are given in sec. 24.1 of the order.

(2) "Canned fish" means any of the following items, if packed in hermetically sealed containers: edible fish or shellfish or any edible part of them; fish roe, including caviar; any other edible product containing more than twenty per cent, by weight, of those items.

(3) "Rationed cheeses" include any natural cheese (but not "cream" or "cottage cheeses") and any other edible product containing thirty per cent or more, by weight, of natural cheese (other than cream or cottage cheeses). The term rationed cheeses does not include the items listed in an Appendix which will be issued as an amendment to this order.

(4) "Rationed fats or oils", which are defined in detail in section 24.1, include, among other products, "butter", "margarine", "lard", "cooking and salad oils" and "shortening". Mayonnaise, salad dressing, USP vitamin oils, fish liver oil, sperm oil and "fats" resulting from cooking done by "consumers" and "institutional users", are not included.

(b) No item which is a processed food covered by Ration Order 13 (8 F.R. 1840) or which is a pharmaceutical product, is rationed under this order, even if it comes within the above definitions.

(c) Puncturing or opening the container in which "canned fish" is packed, or merely removing it from the container, does not cause it to cease to be a "food covered by this order."

(d) When a "food covered by this order" is prepared for service and served, it is no longer considered a food covered by this order. Thus, a "person" who is served meat loaf in a restaurant, as part of a meal, is not getting a food covered by this order. Furthermore, when a food covered by this order has been used in making a product which is not rationed under this order, it ceases to be a food covered by this order. For example, butter may be used in baking peach pie—that pie, and the butter in it, are not food covered by this order.

SEC. 1.2 *Meat, cheese, and canned fish and fats and oils are rationed by the point system.* (a) All types of meat, rationed cheeses, canned fish and rationed fats or oils are rationed together, as a group, through the use of the point system of rationing. Each item is given a particular point value for each cut, pound or size in which it is sold. The point value of an article of these foods is the number of points that must be given up by any person who wants to get it, just as the money price of an article is the amount of money it costs. The point values will be fixed by the Office of Price Administration in a supplement to this order, containing the official tables of point values. These point values may be changed from time to time, as conditions require.

SEC. 1.3 *Form in which points are used.* (a) There are several forms of tokens or ration currency which represent points.

(b) The basic tokens are the red "stamps" in War Ration Book Two, which are designated by the Office of Price Administration to be used for the acquisition of all foods covered by this order. They are the form in which points are generally given up by "consumers."

(c) Other forms of ration currency authorized by the Office of Price Administration are "certificates" (OPA Form R–1201) and ration checks drawn on ration bank accounts. (During a limited period, credit authorizations, on OPA Form R–1608, may be used for deposit in ration bank accounts, but they are not used directly to get foods under this order.) A certificate is issued by the Office of Price Administration (or a person authorized by that office to issue it) and is worth the number of points stated on it. Ration checks are very much like ordinary checks. They are drawn on a bank account in which a person has deposited his points, just as an ordinary check is drawn on a bank account in which he has deposited his money.

Article II—Consumers

SECTION 2.1 *When a person is a consumer.* (a) Any "person" who buys or "acquires" "foods covered by this order" for his personal use or for use at a table at which he eats, is a "consumer". (When a person gets foods covered by this order in order to resell them or in order to use them in making other products for sale, he is not a consumer, since those are not personal uses. He is a consumer only so far as he does get foods covered by this order for personal use.)

SEC. 2.2 *Consumers may purchase after March 28, 1943 only for points.* (a) Beginning March 29, 1943, a consumer may buy or acquire foods covered by this order only by giving up points equal to the point value of the foods acquired. However, a consumer may exchange foods covered by this order with any other person for other such foods covered by this order of equal point value, without giving up points.

(b) Consumers may lend foods covered by this order to, or borrow them from, other consumers, and they may return borrowed foods. They may also acquire foods from other consumers for consumption at a common table with them. No points are to be given up for such transactions. (A transaction is not a loan if any charge is made.)

SEC. 2.3 *How points are given up by a consumer*—(a) *A consumer uses stamps.* A consumer gives up points, when he acquires foods covered by this order, by surrendering red "stamps" taken from his War Ration Book Two. A stamp is not good unless the book from which it is taken has a validation stamp properly placed on its cover, with the number of that book written across the validation stamp.

(b) *Stamps may be used only during fixed periods.* Each red stamp in War Ration Book Two is good for a limited time only and a consumer may use it only during that time. The letter printed on the stamp indicates the time when it may be used by a consumer. Stamps lettered "A", "B", "C", and "D", may be used only during the following periods:

Stamps	*Time when they may be used*
A----	March 29, 1943 to April 30, 1943, incl.
B----	April 4, 1943 to April 30, 1943, incl.
C----	April 11, 1943 to April 30, 1943, incl.
D----	April 18, 1943 to April 30, 1943, incl.

The other red stamps in War Ration Book Two may be used only during periods which will be fixed in a supplement to this order. These periods may be changed by the Office of Price Administration even after they have begun. A consumer who acquires "meat" from a "primary distributor" who holds a permit as a farm slaughterer under Food Distribution Order No. 27 of the Food Distribution Administration, may, however, give up, in addition to his currently valid stamps, stamps remaining in his War Ration Book Two which are not yet good, up to the total point value of the meat acquired.

(c) *General rules for the use of stamps by consumers.* A consumer must give up stamps worth exactly the point value of the foods covered by this order which he acquires, except that fractional amounts are to be handled in the way described in section 10.6. The number of points a stamp is worth is shown by the figure printed on it. Stamps must be given up at the time the foods are acquired. The stamps may be used by a consumer only if torn out of the war ration book in the presence of the person who is selling or transferring the foods. A stamp may be used only to get foods covered by this order for the consumer from whose book it is taken, or for use at a table at which he eats. If the consumer is unable to give up points exactly equal to the point value of the foods acquired by him because he does not have stamps of sufficiently small value to make up the proper amount, he may give up, and the transferor may accept, stamps of the nearest higher value, and the transferor must return the excess number of points to the consumer in the form of loose one-point stamps. Loose one-point stamps may be used by a consumer to acquire foods covered by this order only if he has received the stamps in this way from his transferor. A transferor may accept loose one-point stamps from a consumer, unless he knows or has reason to believe that they were not acquired by the consumer in this way.

(d) *A consumer also uses certificates.* Any consumer to whom a "board" issues a "certificate" may use it to acquire foods covered by this order, just as the red stamps from War Ration Book Two are used. The number of points a certificate is worth, and the date when it expires, will be shown on that certificate. A consumer to whom a certificate has been issued must sign his name on the back before he may use it.

(e) *How mail order purchases are made.* A consumer who orders food covered by this order for delivery by mail may detach stamps from his War Ration Book Two and send them with his order. The stamps are good if the envelope in which they are enclosed is postmarked on or before the last day on which they may be used by a consumer, even if the seller does not receive them until after that date. If the seller cannot fill all or

any part of the order, he will return a ration check for the difference. The consumer must exchange that check, at any board, for a certificate which he can then use to get foods covered by this order.

SEC. 2.4 *Consumers who need more foods covered by this order because of illness may apply for more points.* (a) Any consumer whose health requires that he have more foods covered by this order than he can get with War Ration Book Two, may apply for additional points. The application must be made, on OPA Form R–315, by the consumer himself or by someone acting for him, and may be made in person or by mail. The application can be made only to the board for the place where the consumer lives. He must submit with his application a written statement of a licensed or registered physician or surgeon, showing why he must have more foods covered by this order, the amounts and types he needs during the next two months, and why he cannot use unrationed foods instead.

(b) If the board finds that his health depends upon his getting more foods covered by this order, and that he cannot use or cannot get unrationed foods, it shall issue to him one or more certificates for the number of points necessary to get the additional foods covered by this order which he needs during the next two months.

SEC. 2.5 *Consumers who must purchase in quantity may apply for certificates.* (a) Some consumers may not be able to get foods covered by this order during the period when their stamps are good, either because of transportation difficulties, or because they live an unusually long distance from their market. Such a consumer may apply for a certificate in exchange for some or all of the red stamps in his War Ration Book Two, so that he can get the amount of foods to which he is entitled at a time when he is able to get them. The application must be made on OPA Form R–315, in person or by mail, to the board for the place where he lives. It must be made by the consumer himself or by someone acting for him.

(b) If the board finds that the consumer will suffer hardship because he cannot get the foods covered by this order to which he is entitled during the periods when his stamps are good (for the reasons set forth above, it may issue to him a certificate. The certificate may be for any number of points up to the value of the remaining red stamps in his War Ration Book Two. The board must remove from that book, and cancel, red stamps worth the amount of the certificate.

SEC. 2.6 *Service men on furlough may get certificates.* (a) A person in the Army, Navy, Marine Corps or Coast Guard of the United States, who is on furlough for three days or longer and who does not have a War Ration Book Two, may get a certificate for eight points for each three days (or fraction thereof) of his furlough. He may get such a certificate by presenting his leave papers to any board. The board must write on the leave papers its designation, a statement that it has issued a certificate, the amount of the certificate, and the date of issuance.

Article III—Home Producers

SECTION 3.1 *Home producers may consume what they produce and may lend limited amounts*—(a) *Points need not be given up.* Any "person" who produces any "food covered by this order" wholly from foods not covered by this order, (whether or not they are later processed) primarily for consumption in his own household, may consume what he produces and may let members of his family unit and those who eat at his table consume it, without giving up points.

(b) *Loans.* He may lend the food he so produced to any consumer, without the surrender of points. However, he may not lend a total of more than four hundred pounds of beef and veal together, one hundred and fifty pounds of any other meat, or twenty-five pounds of any other foods covered by this order, which he so produced in any one calendar year, under this section. Foods so loaned may not be sold by the person who receives them or by anyone else. (A transaction is not a loan if any charge is made.)

(c) *If the person is a primary distributor.* No primary distributor who reports or is required to report on OPA Form R–1606 may consume or lend foods pursuant to this Section without the surrender of points.

SEC. 3.2 *Consumers may purchase larger quantities of meat at a time from farm slaughterers.* (a) A primary distributor (other than one who reports or is required to report on OPA Form R–1606) who holds a permit as a farm slaughterer under Food Distribution Order No. 27, (Slaughter of Livestock) of the Food Distribution Administration may sell or transfer "meat" to a "consumer" in exchange for red "stamps" from his war ration book equal to the point value of the meat transferred, even though the stamps are not yet good. The primary distributor must not deposit in his ration bank account, if any, the stamps which are not yet good, but must enclose them with his report for the period during which he received them.

SEC. 3.3 *Consumers may arrange to have their food processed.* (a) Any consumer may bring any of his food covered by this order to another person to be processed (for example, to be cured, smoked or rendered) before it is consumed. When he gives the food to that person for processing he is entitled to receive from that person points equal to the point value of the food, and when he gets the food back after processing, he must give to that person points equal to the point value of the food he gets back.

Article IV—Primary Distributors

SECTION 4.1 *Explanation of the term primary distributor.* (a) Any "person" who has a "primary distributor establishment" is called a "primary distributor" as to that establishment. If he has more than one such establishment, he is considered a separate primary distributor as to each of them.

SEC. 4.2 *Explanation of the term primary distributor establishment.* (a) There are three main types of primary distributor establishments:

(1) A place where a "food covered by this order" is produced entirely from products not covered by this order (described in section 4.3);

(2) A place where an item or kind of food covered by this order is produced, by a processing operation, wholly or partly from another item or kind of food covered by this order (described in section 4.4);

(3) A place to which foods covered by this order are imported (described in section 4.5).

In certain cases, places at which no production or processing operations are performed are, for reasons of trade convenience, also considered primary distributor establishments. (These establishments are described in sections 4.7 and 4.9). The rules which determine whether a place is a primary distributor establishment are set forth in the sections which follow.

SEC. 4.3 *A place at which a food covered by this order is produced is a primary distributor establishment*—(a) *Meat; slaughtering.* Any place at which a person slaughters cattle, calves, sheep, lambs or swine, for sale or other "transfer", is a primary distributor establishment.

(1) If a person slaughters livestock himself, the place where he does so is his primary distributor establishment. Even if he has the slaughtering done for him by an agent or employee, the place where it is done is his primary distributor establishment, unless it comes within the following description:

(i) That place is another person's primary distributor establishment (because of other slaughtering done thereby or for that other person); and also

(ii) The agent or employee in question is that other person, or someone who works for that other person.

(b) *Canning fish.* Any place at which a person produces "canned fish", for sale or other transfer, is a primary distributor establishment. A person produces canned fish if he packs any of the items described in section 1.1 (a) (2) in hermetically-sealed containers.

(c) *Production of rationed fats or oils, or rationed cheeses.* Any place at which a person produces a "rationed fat or oil" or "rationed cheeses" for sale or other transfer, is a primary distributor establishment.

SEC. 4.4 *A place at which a food covered by this order is converted into another such food, is a primary distributor establishment.* (a) Any place at which a person, by processing, makes any item or kind of food covered by this order, wholly or in part from another item or kind of such food, for sale or other trans-

fer, is a primary distributor establishment.

(1) The term "processing" does not include cutting, grinding, boning, freezing, packaging or repackaging. It does, however, include curing, smoking, cooking, pickling, canning, blending, mixing, rendering, extracting, drying, dehydrating, or any other similar process by which an item or kind of food covered by this order is converted into another item or kind of such food. It also includes the manufacture of sausage, scrapple, souse and similar products.

(b) A place at which a person "acquires" and processes foods covered by this order is, however, not a primary distributor establishment as to any of those foods acquired and processed there if both of the following conditions are met:

(1) No foods covered by this order are produced there (other than by processing) and not more than five thousand pounds of foods covered by this order are processed there in any month; and

(2) More than fifty percent, by weight, of the transfers from there of all foods covered by this order are made to consumers; and

(3) More than fifty percent, by weight, of the foods covered by this order which were acquired and processed there are transferred from there to consumers, or to that person's own "institutional user establishment".

(For example, a delicatessen store, which buys "meat", cures it and sells most of it to consumers, is not a primary distributor establishment. This would be so even if the owner of the store transfers some of the cured meat to his own restaurant and uses it in meals he serves there. Such a store would not be a primary distributor establishment, even though foods covered by this order are processed there. It would be a "retail establishment".)

SEC. 4.5 *A place to which foods covered by this order are imported is a primary distributor establishment.* (a) Any place (including space in a public warehouse) to which a person imports foods covered by this order into the United States, from any place outside the United States, for sale or transfer, is a primary distributor establishment.

SEC. 4.6 *Place where foods covered by this order are produced or imported may be a primary distributor establishment as to foods not produced or imported there.* (a) A person may produce, process, or import foods covered by this order, at a particular price, for sale or transfer. He may also regularly keep there, for sale or transfer, foods covered by this order which he did not produce, process, or import there. That place is a primary distributor establishment, since foods are produced, processed or imported there. It would also be a retail or a "wholesale establishment" (depending on its operations) since foods not produced, processed, or imported there are regularly kept there for sale or transfer. However, if ninety percent or more, by weight, of all the foods covered by this order which are transferred from there, were produced, processed, or imported there, it is considered to be only a primary distributor establishment, as to all foods covered by this order held there for sale or transfer. In that case, it would not also be a retail or wholesale establishment.

SEC. 4.7 *A place where a person keeps foods may be a primary distributor establishment even if he does not produce or import there.* (a) Any place (including space in a public warehouse) at which a person regularly keeps foods covered by this order not produced, processed or imported there, for sale or transfer, is a primary distributor establishment as to those foods even though it does not meet the tests described in section 4.6, if both of the following conditions are met:

(1) He himself produced, processed or imported ninety per cent or more, by weight, of those foods; and

(2) More than fifty per cent, by weight, of the foods covered by this order which he keeps there are transferred from there to persons other than "industrial users", "industrial consumers", "institutional users", "retailers", or "consumers".

(b) There is also a general case in which a place where a person regularly keeps foods covered by this order which were produced, processed, or imported by someone else, is a primary distributor establishment as to those foods. If he uses ninety per cent or more, by weight, of those foods to make, by processing, other kinds or items of food covered by this order, the place where he keeps them is a primary distributor establishment. (For reasons of trade convenience, there is, in addition, a special rule covering certain places where "butter" or rationed cheeses are assembled. That rule is covered in section 4.9.)

(c) The rules set forth in this section apply whether or not the person also produces, processes or imports at that place foods covered by this order. The place is a primary distributor establishment as to any foods he produces, processes or imports there. This section, and sections 4.6 and 4.9, show when it is a primary distributor establishment as to foods he did not produce, process or import there.

SEC. 4.8. *A place is a single primary distributor establishment even if a person engages in several operations there.* (a) A place at which a person engages in more than one type of operation any one of which would make it a primary distributor establishment, is a single primary distributor establishment as to all such operations of that person. (Thus, if a person slaughters swine, renders "lard" and cures hams at the same place, that place is treated as a single primary distributor establishment of that person.) The only exception to this rule is covered in section 4.9 (c).

SEC. 4.9 *Butter and cheese assembly plant is a primary distributor establishment.* (a) Any place at which a person regularly keeps, for sale or transfer, stocks of butter or rationed cheeses which he did not produce, process or import there, is a primary distributor establishment, as to those stocks, if more than fifty per cent of them, by weight, is sold or transferred from there to persons other than industrial or institutional users, industrial consumers, retailers or consumers. However, if he keeps the stocks which are not transferred to persons other than the above, just to supply his own establishments, it is a primary distributor establishment only if it supplies:

(1) At least one of his primary distributor establishments; or

(2) At least four of his wholesale establishments.

(b) This section applies only to a place which would not be a primary distributor establishment as to those stocks under section 4.6 or section 4.7.

(c) A place to which this section applies is, for all the purposes of this order, a separate primary distributor establishment as to those stocks of butter or rationed cheeses.

SEC. 4.10 *A place where foods are produced or imported for use only is not a primary distributor establishment.* (a) A place at which a person produces, processes or imports foods covered by this order only for his personal, institutional or industrial use or for his use as an industrial consumer, (whether or not they will be used at that place), and not for sale or transfer in the form of foods covered by this order, is not a primary distributor establishment. The place does not become a primary distributor establishment because the person lends some of the foods to others, as permitted by section 3.1 (b), unless he loans more than the amount permitted by that section.

SEC. 4.11 *Primary distributors must register and file reports*—(a) *Registration.* Every primary distributor must register with the Office of Price Administration, by filing an additional copy of his first report, along with that report.

(b) *Reports.* Every primary distributor must file a report covering the operation of his primary distributor establishment during each reporting period ending on or after April 30, 1943. His first report must include his operations from March 29, 1943, to the end of his reporting period. If he has more than one primary distributor establishment, he must file a separate report for each. The report must be filed within fifteen days after the end of the reporting period it covers. A primary distributor may adopt any one of the following reporting periods:

(1) Calendar months; or

(2) Consecutive four week periods; or

(3) A system which divides the fiscal year into either four or five periods of five consecutive weeks and either seven or eight periods of four consecutive weeks.

The report must be signed by him or by his authorized agent, and is considered filed on time if the envelope in which it is enclosed is postmarked on or before the day it is due.

(c) *Form to be used.* A primary distributor who sold or transferred foods covered by this order worth $2,000 or

more during any of his reporting periods from January 1, 1942 on, or who used points during the reporting period to "acquire" foods, or who imported such foods during that period, must report on OPA Form R–1606.

Any other primary distributor must report on OPA Form R–1609, but need not file a report for any reporting period during which he made no transfers of foods covered by this order (other than loans permitted by section 3.1 (b)). Once a primary distributor has reported on OPA Form R–1606, he must continue to use that form thereafter.

(d) *Information to be given.* A primary distributor must give all information called for by the form on which he reports. A primary distributor, required to report on OPA Form R–1606, must, among other things, report his inventory of rationed foods at the establishment covered by the report, at the beginning and end of the reporting period.

(e) *Inventory.* A primary distributor's inventory at his primary distributor establishment consists of all foods covered by this order which are physically located there or in transit to it, including foods which he holds there on consignment. If he has any such foods at or in transit to any place which is not an establishment of any type under this order, he must include them in the inventories of his establishments under this order, but he may divide them among those establishments as he chooses. He must, in that case, report the place where those foods are kept and the amount kept there which he is including in the inventory of his establishment. However, the following items are not part of his inventory:

(1) Food stored for a person other than his customer or transferee, or held as security for a loan to someone else (or similar transaction), or in transit for either of those purposes;

(2) Foods included in the inventory of one of his other establishments of any type.

(f) *Place for filing report.* A primary distributor who reports on OPA Form R–1606, must file it with the district office for the place where his establishment is located. If he reports on OPA Form R–1609, he must file it with the "board" for that place.

(g) *Change in reporting period.* A primary distributor who wishes to change his reporting periods, by reason of a change in his accounting periods, may apply to the district office (or to the board) with which he files his reports, for permission to make the change.

The application must be made on OPA Form R–315, and must give the reasons for the change desired. The district office (or the board) shall act on the application according to the circumstances of the case.

SEC. 4.12 *Primary distributor may not do business if he does not file reports.* (a) No primary distributor may transfer or acquire any food covered by this order after any date on which a report is due from him, until he has filed that report.

SEC. 4.13 *A primary distributor must surrender to the Office of Price Administration all points he is not permitted to use.* (a) A primary distributor must give up to the Office of Price Administration, for cancellation, all points he receives for sales or transfers of foods covered by this order, except for points he uses for a purpose permitted by paragraph (c) or (d) of this section. He must attach to his report for each reporting period all points not so used which he received during that period for sales or transfers of such foods. If he has, or is required to have, a ration bank account, he must give them up in the form of a certified ration check (payable to the Office of Price Administration) drawn on his ration bank account. If he has no account, he must give them up in the form he received them.

(b) A primary distributor who has received "stamps" which are not yet valid, in the way permitted by section 3.2, must enclose those stamps with his report for the period in which he received them. He may not use or deposit them.

(c) A primary distributor may use points only for the following purposes:

(1) To acquire foods covered by this order, for the purpose of processing them;

(2) To acquire, for sale or transfer without processing, foods produced, processed or imported by someone else, in an amount up to (but not exceeding) ten per cent by weight of his total transfers from his primary distributor establishment during the reporting period;

(3) To acquire, for his primary distributor establishment, foods which he produced, processed or imported elsewhere;

[NOTE: It is not a primary distributor establishment as to those foods unless it meets the tests described in section 4.6 (a) or 4.7 (a). If it does not meet one of those tests, its points may not be used to acquire such foods, except as permitted by (1), (4) and (5) of this paragraph.]

(4) To return points for underdeliveries of foods, as permitted by section 10.9;

(5) To get back foods he transferred, if his transferee returns them to him.

(d) The points of a primary distributor establishment to which section 4.9 applies may, however, be used only for the following purposes:

(1) To acquire butter or rationed cheeses for that establishment;

(2) To return points for underdeliveries of butter or rationed cheeses as permitted by section 10.9;

(3) To get back butter or rationed cheeses transferred, if the transferee returns them.

SEC. 4.14 *Primary distributors may get points to acquire foods.* (a) A primary distributor who does not have enough points after April 10, 1943, to acquire foods covered by this order for a purpose permitted by section 4.13 (c) or (d), may, before May 1, 1943, deposit in his ration bank account a "credit authorization" on OPA Form R–1608, for the number of points he needs, up to the maximum permitted under the next paragraph. The credit authorization must be signed by him, or by his authorized agent, and he must give all the information it calls for. (Only one credit authorization may be deposited for any primary distributor establishment.)

(b) The maximum number of points for which a primary distributor may issue and deposit a credit authorization is three times the number of pounds of all foods covered by this order which he acquired during the first three months of 1943.

(c) A primary distributor who, after April 18, 1943, needs more points to acquire foods covered by this order, for a purpose permitted by section 4.13 (c) or (d), than he has available may apply for additional points. The application must be made, on OPA Form R–315, to the district office with which his reports must be filed. The application must show the number of points he has, the reason he needs more, the number he needs and the time for which he needs them. If the district office finds that he needs more points for one or more of the purposes described in section 4.13 (c) or (d), it may issue to him a certificate (OPA Form R–1201) for the number of points he needs. If it finds that he needs them temporarily only, it may fix a time within which he is to return the points, and he must then return them at or before the time fixed.

SEC. 4.15 *A primary distributor who has more than one establishment must operate them separately.* (a) If a primary distributor has more than one primary distributor establishment, they are treated and must be operated separately, for all the purposes of this order, just as if they were owned by different persons.

SEC. 4.16 *Primary distributors must keep records.* (a) Beginning March 29, 1943, every primary distributor must keep, at his primary distributor establishment, a record showing his production and processing, by weight, and his acquisitions and transfers, by weight and point value, of each of the following foods: meat, canned fish, rationed cheeses, butter, margarine, lard, shortening and cooking or salad oils.

(b) In addition, at the time of any change in the point value of any item of food covered by this order, every primary distributor must make and keep at his establishment, a record of the amount of the item he has in his inventory, and of its point value before and after the change.

Article V—Wholesalers

SECTION 5.1 *Explanation of the terms wholesaler and wholesale establishment.* (a) Any place (including space in a public warehouse) where a "person" who deals in "foods covered by this order" regularly keeps stocks of those foods for sale or "transfer" (other than as a "primary distributor"), is a "wholesale establishment", if fifty per cent or more of those stocks are transferred from there directly to persons other than "consumers". However, if he keeps the stocks which are not transferred to consumers,

just to supply his own establishments, it is a wholesale establishment only if it supplies:

(1) At least one of his wholesale establishments; or

(2) At least four of his "retail establishments".

(b) Any person dealing in foods covered by this order who has a wholesale establishment is called a "wholesaler", as to that establishment.

SEC. 5.2 *Wholesalers must register*—(a) *General.* Every wholesaler must register with the Office of Price Administration by filing two copies of OPA Form R–1602, at any time from May 3, 1943 to May 14, 1943, inclusive. Both copies of the form must be completed and signed by the wholesaler or his authorized agent. He must give all information called for by the form.

(b) *Filing by mail.* Where a registration form is filed by mail, it is considered filed on time if the envelope is postmarked on or before May 14, 1943.

(c) *Registration for single wholesale establishment.* A wholesaler who has only one wholesale establishment must file his registration with the "board" for the place where that establishment is located.

(d) *Registration for two or more wholesale establishments of the same person.* If a wholesaler has two or more wholesale establishments and has operated them separately under this order, just as if they were owned by different persons, he must either register each establishment separately on a separate OPA Form R–1602 or register all of them together on a single form, as he chooses. If he has not operated them separately under this order, he must register them together on the same form. (For example, he must register all of them together (1) if he has opened a single ration bank account for two or more of them; or (2) if he has drawn a ration check against an account serving one of them to "acquire" foods for another; or (3) if, after April 10, 1943, he transferred points, or foods covered by this order, from one to another without transferring foods or points of equal point value between them; or (4) if he elects to register them together when he files his credit authorization pursuant to section 5.7.)

(e) *Where and how a wholesaler who has two or more wholesale establishments must register.* If a wholesaler who has two or more wholesale establishments registers them together, he must furnish the required information for them on a single registration form and file two copies of that form with the board for the place where his principal business office is located. If he registers each of them separately, he must complete two copies of the form for each establishment and file them with the board for the place where that establishment is located.

(f) *Separately registered establishments are to be treated and operated separately.* If a wholesaler has more than one wholesale establishment and registers or is required to register them separately, each of those establishments is to be treated and operated separately for all the purposes of this order (including computation of allowable inventories), just as if the establishments were owned by different persons.

SEC. 5.3 *Wholesaler may not do business unless he has registered.* (a) No wholesaler may transfer or acquire foods covered by this order after May 14, 1943, until he has registered in the manner required.

SEC. 5.4 *Wholesalers must report their inventories.* (a) As part of his registration, a wholesaler must report, on OPA Form R–1602, the point value of his inventory of foods covered by this order at the close of business on May 1, 1943. If he has more than one wholesale establishment he must file a separate inventory report for each, whether or not they are registered separately. If any of his sales or transfers of foods covered by this order are not made from a fixed place (for example, if he sells foods from a mobile conveyance such as a truck) he need not file a separate inventory report for that conveyance.

(b) A wholesaler's inventory at his wholesale establishment consists of all foods covered by this order which are physically located at that establishment or in transit to it, including foods which he holds there on consignment. If he has any such foods at or in transit to any place which is not an establishment of any type under this order, he must include them in the inventories of his establishments under this order, but he may divide them among those establishments as he chooses. He must, in that case, report the place where those foods are kept and the amount kept there which he is including in the inventory of his establishment. However, the following items are not part of his inventory:

(1) Foods stored for a person other than his customer or transferee, or held as security for a loan to someone else (or similar transaction), or in transit for either of those purposes;

(2) Foods included in the inventory of one of his other establishments of any type.

SEC. 5.5 *Wholesalers must report their sales and points on hand*—(a) *Sales and transfers.* A wholesaler must report, as part of his registration, the pounds of all foods covered by this order which were transferred by him from April 25, 1943 to May 1, 1943, inclusive. (If he has more than one wholesale establishment and they are registered together, he must report the total for all.) However, he is not to include in this report any exchanges of such foods, or transfers from one to another of his wholesale establishments, or to any other wholesale establishment. The report must show his sales and transfers separately of each of the following classes of foods covered by this order:

(1) Fresh and frozen "meats";

(2) "Shortening", "lard", "cooking or salad oil", "canned meats", "canned fish";

(3) All other foods covered by this order, including "rationed cheeses", "butter", "margarine", sausage and types of meats not described in (1) or (2).

(b) *Points on hand.* A wholesaler must also report, as part of his registration, the total number of points which he has available for acquiring foods covered by this order at the close of business on May 1, 1943. He must include all points which he has on hand, all in his ration bank account (except those for which ration checks are outstanding), all which he has already given up for foods not yet shipped to him, and all which he has not yet received for foods he has already shipped. However, he is not to include points he has received for foods which he has not yet shipped, or points he owes for foods already shipped to him.

SEC. 5.6 *A wholesaler is given an allowable inventory* — (a) *General.* Every wholesaler is entitled to an operating inventory, called an allowable inventory, which is based on his sales and transfers of foods covered by this order from April 25, 1943, to May 1, 1943, inclusive. This allowable inventory is stated in terms of points.

(b) *Amount of allowable inventory.* To get a wholesaler's allowable inventory, the number of pounds of foods in each of the three classes specified in section 5.5 (a) transferred by him from April 25, 1943 to May 1, 1943, inclusive, is multiplied by a factor fixed for that class by the Office of Price Administration in a supplement to this order. The numbers which result are added, and the total is his allowable inventory. Exchanges of such foods, and transfers from one to another of his wholesale establishments, or to any other wholesale establishment, must not be included in this computation.

(c) *Point inventory.* (1) In order to determine how large a stock of foods covered by this order, a wholesaler has and is in a position to get, it is necessary to find out two things:

(i) The point value of his inventory; and

(ii) The number of points he has available for acquiring such foods, since he can use these points to get additional stocks. These points include those referred to in section 5.5 (b).

(2) The sum of the above two figures, at a particular time, shows the amount of foods covered by this order he has and can get at that time. That sum is called his point inventory.

(d) *When a wholesaler is entitled to a certificate.* If a wholesaler's point inventory at the close of business on May 1, 1943 is less than his allowable inventory, he is entitled to receive a "certificate" for the number of points needed to make up the difference. The certificate will be issued by the board with which he registers.

(e) *What a wholesaler must do if he has excess inventory.* If a wholesaler's point inventory at the close of business on May 1, 1943, is greater than his allowable inventory, the difference is excess inventory. He must, in that case, give up to the board, for cancellation, points equal to his excess inventory. Points for that amount must be forwarded with

his registration. He must give up the points in the form of a certified check drawn on his ration bank account, made payable to the Office of Price Administration. A wholesaler who does not have enough points at the time of registration, may accumulate and forward them later, but he may not buy or acquire foods covered by this order until he has done so.

SEC. 5.7 *Wholesalers may deposit credit authorizations.* (a) A wholesaler who does not have enough points after April 10, 1943 to acquire foods covered by this order in sufficient quantity to give him an adequate working inventory, may, before May 1, 1943, deposit in his ration bank account a credit authorization on OPA Form R–1608 for the number of points he needs, up to the maximum permitted under the next paragraph. The credit authorization must be signed by him or by his authorized agent, and he must give all the information it calls for. No more than one credit authorization may be deposited for any wholesale establishment, or, if a wholesaler has more than one wholesale establishment and will register or is required to register them together, only one credit authorization may be deposited for all.

(b) The maximum number of points for which a credit authorization may be issued and deposited by a wholesaler is the sum of the following:

(1) The number of pounds of meat (excluding canned meat) sold or transferred by him during any calendar week chosen by him from the week beginning January 3, to the week ending April 3, 1943, multiplied by a factor fixed by the Office of Price Administration in a supplement to this order; and

(2) The number of pounds of all other foods covered by this order (including canned meat) which were sold or transferred by him during the calendar week chosen, multiplied by a factor fixed by the Office of Price Administration in a supplement to this order.

Exchanges of foods covered by this order, and transfers from one to another of his wholesale establishments, or to any other wholesale establishment, are not to be included in this computation.

SEC. 5.8 *Wholesalers must keep records.* (a) Every wholesaler must keep, at his wholesale establishment (or at his principal business office, if he has more than one and registers them together) a copy of his registration on OPA Form R–1602, and of any worksheets used by him in computing his allowable inventory, and his inventory.

(b) In addition, at the time of any change in the point value of any item of food covered by this order, every wholesaler must make a record of the amount, in pounds, of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. Even if he has more than one wholesale establishment registered together, he must make and keep such a record at each establishment.

(c) He must keep a record of his sales or transfers of foods covered by this order from April 25, 1943 to May 1, 1943, inclusive, according to the classes set forth in section 5.5 (a). The record is to separate from his other transfers, exchanges and transfers to wholesale establishments.

SEC. 5.9 *Wholesalers who sell to consumers must post table of point values.* (a) A wholesaler who makes sales or transfers to consumers at his wholesale establishment of foods covered by this order, must comply at that establishment with the provisions of section 10.4, as to the posting of the point values of the items he carries.

Article VI—Retailers

SECTION 6.1 *Explanation of the terms retailer and retail establishment.* (a) Any place (including space in a public warehouse) where a "person" who deals in "foods covered by this order" regularly keeps stocks of those foods for sale or "transfer" (other than as a "primary distributor") is a "retail establishment" if more than fifty percent of those stocks are sold or transferred from there directly to "consumers". It is also a retail establishment even if the amount sold or transferred to consumers is fifty percent or less, in the following case:

(1) If some of those stocks are transferred directly to consumers; and

(2) If the rest of those stocks are kept there just to supply his own establishments of any type; and

(3) If no "wholesale establishment", and not more than three retail establishments, are supplied from there.

(b) Any person dealing in food who has a retail establishment is called a "retailer" as to that establishment.

SEC 6.2 *Retailers must register.*—(a) *General.* Every retailer must register his retail establishments with the Office of Price Administration at any time from May 3, 1943, to May 14, 1943, inclusive, on OPA Form R–1601. The registration form must be completed and signed by the retailer or his authorized agent. He must give all information called for by OPA Form R–1601.

(b) *Mailing.* Where a registration form is filed by mail, it is considered filed on time if the envelope is postmarked on or before May 14, 1943.

(c) *Registration for single retail establishment.* A retailer who has only one retail establishment must file his registration with the "board" for the place where that establishment is located.

(d) *Registration for two or more retail establishments of the same person.* If a retailer has two or more retail establishments and has operated them separately under this order, just as if they were owned by different persons, he must either register each establishment separately on a separate OPA Form R–1601, or together on a single form. If he has not operated them separately under this order, he must register them together on the same form. (For example, he must register them together (1) if he has opened a ration bank account for two or more of them; or (2) if he has drawn a ration check against an account serving one of them to acquire foods for another; or (3) if, after April 10, 1943, he transferred points, or foods covered by this order, from one of his retail establishments to another of his retail establishments without transferring foods or points of equal point value between them.)

(e) *Where and how a retailer owning two or more retail establishments must register.* If a retailer who has two or more retail establishments registers them together, he must furnish the required information for them on a single registration form and file that form with the board for the place where his principal business office is located. If he registers each of them separately, he must file a separate registration form for each establishment with the board for the place where that establishment is located.

(f) *Separately registered establishments are to be treated and operated separately.* If a retailer has more than one retail establishment and registers them separately, each of those establishments is to be treated and operated separately for all the purposes of this order (including computation of allowable inventories), just as if the establishments were owned by different persons.

SEC. 6.3. *A retailer may not do business unless he has registered.* (a) No retailer may transfer or acquire foods covered by this order after May 14, 1943, until he has registered in the manner required.

SEC. 6.4 *Retailers must report their inventories.* (a) As part of his registration, a retailer must report, on OPA Form R–1601, the point value of his inventory of foods covered by this order at the close of business on May 1, 1943.

(b) A retailer's inventory at his retail establishment consists of all foods covered by this order which are physically located at that establishment or in transit to it, including foods which he holds there on consignment. If he has any such foods at or in transit to any place which is not an establishment of any type under this order, he must include them in the inventories of his establishments under this order, but he may divide them among those establishments as he chooses. He must, in that case, report the place where the foods are kept and the amount kept there which he is including in the inventory of his establishment. However, the following items are not part of his inventory:

(1) Foods stored for a person other than his customer or transferee, or held as security for a loan to someone else (or similar transaction), or in transit for either of those purposes;

(2) Foods included in the inventory of one of his other establishments of any type.

SEC. 6.5 *Retailers must report their sales and points on hand*—(a) *Sales and transfers.* A retailer must report, as part of his registration:

(1) The point value of all foods covered by this order which were transferred by him from April 25, 1943, to May 1, 1943, inclusive. If he has more than one retail establishment and they are registered together, he must report the total for all. However, he shall not include in his report any exchanges of foods, or transfers of them from one to another of his retail establishments, or to any other retail establishment; and

(2) The total number of points which he has available for acquiring food at the close of business on May 1, 1943. He must include all points which he has on hand, all in his ration bank account, if any (except those for which ration checks are outstanding), all which he has already given up for food not yet shipped to him, and all points which he has not yet received for foods he has already shipped. However, he is not to include points he has received for foods which he has not yet shipped, or points he owes for foods already shipped to him.

SEC. 6.6. *A retailer is given an allowable inventory*—(a) *General.* Every retailer is entitled to an operating inventory, called an allowable inventory, which is based on his sales and transfers of foods covered by this order from April 25, 1943 to May 1, 1943, inclusive. This allowable inventory is stated in terms of points.

(b) *Amount of allowable inventory.* To get a retailer's allowable inventory, the points received or receivable for all foods covered by this order transferred from his retail establishment from April 25, 1943 to May 1, 1943, inclusive, are multiplied by three. The result is his allowable inventory. Exchanges of foods, and transfers of them from one to another of his retail establishments, or to any other retail establishment, must not be included in this computation.

(c) *Point inventory.* (1) In order to determine how large a stock of foods covered by this order, a retailer has and is in a position to get, it is necessary to find out two things:

(i) The point value of his inventory; and

(ii) The number of points which he has available for acquiring food, since he can use those points to get additional stocks. These points include all those referred to in section 6.5 (a) (2).

(2) The sum of the above two figures, at the close of business on May 1, 1943, shows the amount of foods covered by this order he has and can get at that time. That sum is called his point inventory.

(d) *When a retailer is entitled to a certificate.* If a retailer's point inventory at the close of business on May 1, 1943, is less than his allowable inventory, he is entitled to receive a "certificate" for the number of points needed to make up the difference. The certificate will be issued by the board with which he registers.

(e) *What a retailer must do if he has excess inventory.* If a retailer's point inventory at the close of business on May 1, 1943, is greater than his allowable inventory, the difference is excess inventory. He must, in that case, give up to the Office of Price Administration, for cancellation, points equal to his excess inventory. Points for that amount must be forwarded with his registration. He must give up the points in the form of "stamps" or certificates, or, if he has a ration bank account, in the form of a certified check drawn on that account made payable to the Office of Price Administration. A retailer who does not have enough points at the time of registration may accumulate and forward them later, but he may not buy or acquire foods covered by this order, until he has done so.

SEC. 6.7 *Retailers may apply for emergency inventory adjustments during April 1943.* (a) Any retailer who finds, during the period from April 11, 1943, to May 1, 1943, inclusive, that he does not have an adequate stock of foods to meet demands under rationing, may apply for an adjustment. A retailer who has only one retail establishment must apply to the board for the place where that establishment is located. If he has more than one retail establishment, he must apply to the board for the place where his principal business office is located. However, if he will register his establishments separately, he may apply, for each establishment for which he requests an emergency adjustment, to the board for the place where that establishment is located. The application is to be made on OPA Form R–315, and must show the approximate point value of his stocks of foods covered by this Order, the point value of his sales or transfers, and the size of the inventory which he needs. The board may call upon him for any other information which it finds necessary in order to act upon the application.

(b) If the board finds that he does not have adequate stocks of foods, it may issue to him a certificate for the number of points needed to bring his stocks up to an adequate working level.

(c) An adjustment may be granted under this section only during the period from April 11, 1943 to May 1, 1943, inclusive.

SEC. 6.8 *Retailers must keep records.* (a) Every retailer must keep at his retail establishment a copy of his registration for that establishment. If he has more than one retail establishment and has registered them together, he must keep the copy at his principal business office. He must also keep there any work sheets used by him in computing his allowable inventory and his inventory.

(b) In addition, at the time of any change in the point value of any item of food covered by this order, every retailer must make a record of the amount, in pounds, of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. He must keep this record at the place where he keeps the copy of his registration. Even if he has more than one retail establishment and they are registered together, he must make and keep such a record at each establishment.

(c) A retailer who processes foods covered by this order but who is not a primary distributor (because of the provisions of section 4.4 (b)) must keep a record of the amount and type of food covered by this order which he uses for processing, and the amount, point value and type of the item he produces by processing.

(d) Every retailer must also keep a record of the point value of the foods covered by this order transferred from his retail establishment during the week from April 25, 1943 to May 1, 1943, inclusive. The record is to separate from his transfers, exchanges and transfers to retail establishments.

SEC. 6.9 *Retailers must Post Point Prices.* (a) Beginning March 29, 1943, every retailer must post the Official Tables of Consumer Point Values (OPA Forms R–1313 and R–1611) covering the items he sells, in his retail establishment in such manner that they can be plainly seen and read by customers. If he sells from a truck or other mobile conveyance, the tables must be posted in it. If a retailer carries any item for sale or transfer in a form in which it appears on the Official Table of Trade Point Values (OPA Form R–1612) and does not appear on either consumer point value table, he must keep the Official Table of Trade Point Values available for inspection by his purchasers.

(b) Every retailer must also post, at the place where he displays the items of foods covered by this order which he sells to his customers, the point value of every item of such food which he carries. The point value must be posted, in such manner that it can be plainly seen and read by consumers, in one or more of the following ways:

(1) On the item itself; or

(2) On the shelf or other place where the item is kept; or

(3) On a list attached to, or posted next to, the shelf or other place where the item is kept.

SEC. 6.10 *Up to May 31, 1943, retailer may sell at lower point value foods in imminent danger of spoilage.* (a) If any foods covered by this order which a retailer has in his inventory are in imminent danger of spoilage and he finds, in good faith, that he cannot dispose of them at their regular point value quickly enough so that they can be used before they spoil, he may sell or transfer them at less than their regular point value. He must, in doing so, comply with the conditions and follow the procedure set forth in this section. This authorization does not, however, apply after May 31, 1943, and no retailer may sell any item below its regular point value, under any condition, after that date.

(b) A retailer may reduce the point value of a food covered by this order when permitted by this section, only to the extent necessary to dispose of it before it spoils.

(c) Whenever a retailer sells or transfers an item of food covered by this order at less than its regular point value, he must sell or transfer that item so long

as he has it on hand to any person who is willing to buy or acquire it at that reduced point value which he has posted for it. He must also post a notice where it may be clearly seen and read by his customers showing:

(1) The item that he is selling at the lower point value;

(2) The point value is at which he intends to sell it;

(3) That he is selling that item at less than its regular point value to prevent spoilage.

(d) If a retailer sells or transfers a food covered by this order at less than the regular point value he must make a written report (by postcard or otherwise) within twenty-four hours after he begins to transfer it at the lower point value, to the board for the place where his establishment is located. The report must be signed by the retailer or his authorized agent, and must show:

(1) The name and address of the establishment at which the food is being transferred at less than its regular point value;

(2) The particular reasons why the food is being transferred at less than its regular point value;

(3) The quantity and type of food involved.

(e) (1) Within four days after he began to transfer the food at less than its regular point value he must make a further report in writing (by postcard or otherwise) to that board, showing:

(i) The name and address of the establishment at which the food was transferred at less than its regular point value;

(ii) The types and quantity of food sold or transferred at the lower point value;

(iii) The total point value of the food so transferred.

(2) If he has made such a sale or transfer to any person other than a consumer, he must also report to the board:

(i) The name and address of the buyer or transferee;

(ii) The type and quantity of food sold or transferred to him;

(iii) The number of points received from him for that food.

(f) Any person other than a consumer who buys or acquires foods covered by this order at less than their regular point value, and who resells or retransfers them at a higher point value than that at which he bought or acquired them, must surrender the excess points to his board.

(g) A retailer who sold or transferred a food covered by this order at less than its regular point value may apply, on OPA Form R–315, for a certificate to replace the points by which his point inventory was reduced as a result of such transfers. The application must be made to the board for the place where his establishment is located, and must be signed by the retailer or his authorized agent. It must show the time when he made such transfers, the regular point value of the foods so transferred, and the number of points received for them. If the board finds that his point inventory was reduced by such transfers, it shall issue a certificate for the number of points by which it was reduced. However, no retailer may receive points under this section to replace point losses during any month in excess of two per cent of his allowable inventory. This paragraph does not apply to transfers made between March 29, 1943, and April 10, 1943, inclusive. Application to replace point losses must be made at or after registration. No application to replace point losses may be made after 30 days from the close of the month in which the point losses occurred.

(h) If a retailer suffers a point loss because, between April 11, 1943, and May 1, 1943, inclusive, he sold or transferred foods covered by this order at less than their regular point value, he must include the points so lost as part of his point inventory held at the close of business on May 1, 1943.

Article VII—Industrial users and industrial consumers

SECTION 7.1 *Explanation of the terms industrial use, industrial user, and industrial user establishment.* (a) Any use by a "person" of "foods covered by this order" in producing or manufacturing, for sale or "transfer", a food for human consumption, which is not covered by this order, or a pharmaceutical to be taken internally by humans or animals, is an "industrial use". (For example, use by a bakery of "shortening" in making bread, is an industrial use.) Industrial use also includes the use of a food covered by this order for experimental purposes. If a food covered by this order is used in producing or manufacturing a product which is neither a food covered by this order, nor a food for human consumption, nor a pharmaceutical to be taken internally by humans or animals, and if the use is not for experimental purposes, such use is not an industrial use, but is "industrial consumption". (The way foods covered by this order may be "acquired" for industrial consumption is covered in sections 7.10 and 7.11.) Moreover, the use of foods covered by this order in the preparation of food for service, or in the service of food, to "consumers", is an "institutional use", and not an industrial use. (An "institutional user" may obtain allotments of foods, and may use such foods, only in accordance with the provisions of General Ration Order 5.)

(b) Any place where a person makes an industrial use of foods covered by this order is an "industrial user establishment", and any person who has such an establishment is called an "industrial user" as to that establishment. An industrial user who ceases to make an industrial use of foods (other than temporarily) is not regarded as an industrial user after he ceases.

SEC. 7.2 *Industrial users must register*—(a) *General.* Every industrial user who operated his industrial user establishment at any time from January 1, 1942 to March 19, 1943, inclusive, must register that establishment with the Office of Price Administration, at any time from March 29, 1943, to April 10, 1943, inclusive, on OPA Form R–1605, in duplicate. The registration form must be completed and signed by the industrial user or his authorized agent. If he has more than one industrial user establishment, he must either register each establishment separately, on a separate form, or he must register them together on a single form. If he has more than one industrial user establishment, and registers them separately, each of those establishments is to be treated and operated separately for all the purposes of this order (including computation of allotments and quarterly period use) just as if the establishments were owned by different persons. If he registers them together, they are treated as a unit, for those purposes.

(b) *Place where registration must be filed.* The registration form must be filed, in person or by mail, with the "board" for the place where his principal business office is located. However, if he has more than one industrial user establishment, and registers them separately, the registration form for each must be filed with the "board" for the place where it is located. He must give all information called for by the form.

SEC. 7.3 *Industrial user may not do business unless he has registered.* (a) No industrial user may "acquire" or use foods covered by this order after April 10, 1943, until he has registered and been given an allotment under this order.

SEC. 7.4 *Industrial users must report their inventories.* (a) As part of his registration, an industrial user must report his inventory of foods covered by this order, at the close of business on March 28, 1943. If he has more than one industrial user establishment and registers them together, he must report his total inventory for all his establishments on the same registration form.

(b) An industrial user's inventory at his industrial user establishment consists of all foods covered by this order which are physically located at that establishment, or in transit to it. He may, however, assign to and include in the inventory of one of his industrial user establishments foods physically located at or in transit to another of his industrial user establishments. If he has any such foods at or in transit to any place which is not an establishment of any type under this order, he must include them in the inventories of his establishments under this order, but he may divide them among those establishments as he chooses. If he includes in the inventory of an industrial user establishment any foods not physically located at or in transit to it, he must report the place where those foods are kept and the amount kept there which he is including in the inventory of his establishment. However, the following items are not part of his inventory:

(1) Foods stored for a person other than his customer or transferee, or held as security for a loan to someone else (or similar transaction), or in transit for either of those purposes;

(2) Foods included in the inventory of one of his other establishments of any type.

SEC. 7.5 *Industrial users must report their use of foods during certain quarterly periods.* (a) As part of his regis-

tration, an industrial user must also report the number of pounds of foods covered by this order, by groups, of which he made an industrial use at his industrial user establishments during 1942. These groups will be fixed by the Office of Price Administration in a supplement to this order. The report must show the amount he used during each of the following quarters in 1942:

(1) *Second quarter:* April to June, inclusive;

(2) *Third quarter:* July to September, inclusive;

(3) *Fourth quarter:* October to December, inclusive;

(4) *First quarter:* January to March, inclusive.

(b) If an industrial user establishment was not in operation for a full quarter, his industrial use of foods covered by this order at the establishment during that quarter is fixed, for all the purposes of this order, in the following way:

(1) *If it was in operation during a part of the quarter.* (i) The amount of foods covered by this order so used there by him during that part of the quarter is determined;

(ii) That amount is divided by the number of days it was in operation during the quarter;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount so used during the quarter.

(2) *If it was not in operation at all during the quarter but was in operation in any other part of 1942.* (i) The amount of foods covered by this order so used there by him during all of 1942 is determined;

(ii) That amount is divided by the number of days it was in operation during 1942;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount so used during the quarter.

(3) *If it was not in operation at all during 1942, but was in operation at some time between January 1, 1943 and March 19, 1943, inclusive.* (i) The amount of foods covered by this order so used there by him between January 1, 1943 and March 19, 1943, inclusive, is determined;

(ii) That amount is divided by the number of days it was in operation between January 1, 1943 and March 19, 1943, inclusive;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount so used during the quarter. (If an industrial user's establishment was not in operation at any time from January 1, 1942 to March 19, 1943, inclusive, he is treated as a new industrial user as to that establishment under the provisions of section 13.3).

(d) The rules set forth under (1) and (2) of the last paragraph do not apply where an industrial user's establishment was not in operation during all or part of a quarter because of a normal seasonal shutdown or for any similar reason. Where that is so, it is assumed that conditions will be the same during the corresponding period in 1943 and the allotment must depend upon his actual industrial use during the quarter.

SEC. 7.6 *Allotments for industrial users.*—(a) *General.* An industrial user is given an allotment to enable him to get and use foods covered by this order at his industrial user establishment. Allotments are given for fixed periods, called allotment periods. The allotment periods are: from April 1, 1943 through June 30, 1943; July 1, 1943 through September 30, 1943; October 1, 1943 through December 31, 1943; January 1, 1944 through March 31, 1944.

(b) *Application for allotments.* An industrial user's registration is treated as an application for his first allotment. His application for subsequent allotments must be made, in person or by mail, to the board with which he is registered. No particular form need be used for such an application. The application must be made not more than fifteen (15) days before, nor more than five (5) days after, the beginning of the period. The board may permit the application to be made at any time during the month preceding an allotment period under such circumstances as the "Washington Office" may direct. The board, in its discretion, may also permit an application to be made at any time within the allotment period, but if it is made more than five days after the beginning of the period, the industrial user's allotment shall be reduced in proportion to the part of the allotment period which has elapsed at the time he applies.

[NOTE: An industrial user is permitted to use foods covered by this order only up to the amount of his allotments. He needs allotments even if his stocks are sufficient, since his allotments establish his right to use these foods—they are not just a method by which he gets them.]

(c) *Amount of allotment.* An industrial user's allotment is determined on the basis of his total industrial use of foods covered by this order at his industrial user establishments during the quarter in 1942 corresponding to the allotment period. The Office of Price Administration will fix, in a supplement to this order, a factor for each of several groups of foods covered by this Order. The number of pounds of foods in each group he used during the quarter is multiplied by the factor fixed for that group. The resulting numbers are added, and the total is his allotment, stated in points. (The factor is fixed in such a way that it gives an allotment which fairly represents the average point value of the foods covered by this order and the reduction required as a result of the scarcity of those foods.)

(d) *Right to a certificate; excess inventory.* (1) An industrial user is entitled to get and use foods covered by this order up to the amount of his allotment. Therefore, he is given a certificate for the number of points he needs in order to get that amount. However, if he has stocks on hand, he can use them under his allotment and therefore needs fewer points. For that reason the point value of his inventory at the close of business on March 28, 1943, must be deducted. (The method of determining his inventory at the close of business on March 28, 1943 is covered by section 7.4.)

(2) If the point value of an industrial user's inventory is less than his allotment, he is entitled to get from the board with which he registers, a certificate for the number of points needed to make up the difference.

(3) If the point value of an industrial user's inventory is greater than his first allotment, the difference is excess inventory. If an industrial user has excess inventory he is not entitled to receive a certificate until it has been absorbed by his allotments. At that time, he is entitled to get a certificate for the difference.

(e) *Issuance of certificates.* Only one certificate will be issued by the board, for the full number of points to which an industrial user is entitled, except that if he has more than one industrial user establishment and has registered them separately, he is to get a separate certificate for each, since separately registered establishments are treated separately.

(f) *Report of point-free acquisitions.* An industrial user who acquires foods covered by this order, after March 28, 1943, without giving up points, and who is not required by any other provision of this order to account for or turn over to the Office of Price Administration points for the point value of the foods so acquired, must report such acquisitions and the amount acquired, when applying for his next allotment. The point value of the amounts so acquired shall be treated as excess inventory.

(g) *Accounting for errors.* If an industrial user receives an allotment larger than he is entitled to receive, as a result of an error, omission, or mistake made in his application or by his board, the amount of the excess shall be treated as excess inventory.

(h) *Industrial users who have unbalanced stocks.* If an industrial user is not entitled to receive a certificate because he has excess inventory, but finds that he does not have an adequate stock of a particular kind of food covered by this order, he may apply to the board with which he is registered, on OPA Form R-315, for a certificate to enable him to get that kind. The application must show the kind and amount of food which he needs and the reasons he needs it. The board may call upon him for any other information which it finds necessary in order to act upon the application. If the board finds that he does not have an adequate stock of the particular food, it may issue to him a certificate for the number of points needed, up to one-third of his allotment for that period. The points so issued must be treated as excess inventory. The

granting of the application shall not be treated as an increase in his allotment. The board may grant only one such application for an industrial user.

SEC. 7.7 *Late registrants lose part of their allotment.* (a) If an industrial user was in operation at any time from January 1, 1942 to March 19, 1943, inclusive, but failed to register at the time required, the board may permit him to register and apply for an allotment at a later date. In his registration, he must report his inventory of foods covered by this order, at the close of business on March 28, 1943.

(b) His allotment is computed in the same way as that of an industrial user who registered on time. However, unless he shows good cause for his failure to register on time, his allotment is to be reduced in proportion to the part of the allotment period which had elapsed at the time he registered and he may not receive an allotment for expired allotment periods.

SEC. 7.8 *Restrictions on use of foods by industrial users.* (a) No industrial user may use, during an allotment period, more foods covered by this order than his allotment for that period plus any unused part of his allotments for earlier periods. He may also use foods up to the amount of an allotment for any future period, at any time after he has been granted that allotment.

(b) No industrial user may use, for any purpose except an industrial use, foods covered by this order which are included in his industrial user inventory at the close of business on March 28, 1943, or which he acquired with points he received as an industrial user.

SEC. 7.9 *Industrial users must keep records.* (a) Every industrial user must keep copies of all his industrial user registrations at his principal business office. In addition, if he has more than one industrial user establishment, he must keep, at each establishment, a record of its inventory at the close of business on March 28, 1943. He must also preserve his records showing his use of foods covered by this order during the quarters reported in his registration.

(b) In addition, an industrial user must keep a record of the amount of foods covered by this order which he acquires and the date of acquisition, and the amount of such food used, at each of his industrial user establishments during each allotment period.

SEC. 7.10 *Explanation of the terms industrial consumption, and industrial consumer.* (a) "Industrial consumption" means any use (other than a use for experimental purposes) of a food covered by this order in the production or manufacture of a product which is not any of the following:

(1) A food covered by this order; or

(2) A food for human consumption; or

(3) A pharmaceutical to be taken internally by humans or animals.

(For example, if a manufacturer uses "lard" in making cold cream, that use is called industrial consumption. "Industrial use" and "industrial consumption" are distinguished in section 7.1.)

(b) Any person who engages in industrial consumption (of a food covered by this order) is called an "industrial consumer".

SEC. 7.11 *Industrial consumers may apply for points to acquire foods.* (a) An industrial consumer who needs "rationed fats or oils", (other than for the purpose of making a pharmaceutical which is not taken internally by humans or animals), may apply, in writing, to the Fats and Oils Section, Food Distribution Administration, Washington, D. C., for permission to acquire and use them. If the application is granted, a certificate will be issued to the applicant by the Administrator of the Food Distribution Administration.

(b) If an industrial consumer needs any foods covered by this order, other than rationed fats or oils, or if he needs rationed fats or oils to make a pharmaceutical not taken internally by humans or animals, he may apply, on OPA Form R-315, to the district office for the place where his principal business office is located, for a certificate with which to acquire them. The application must show the kind and amount of the food needed, and the purpose for which it is to be used. He must also give any additional information the district office may request. The district office will send the application to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

(c) An industrial consumer to whom a certificate is issued for industrial consumption may use it only to acquire the foods for which he applied, and may use those foods only for the purpose for which his application was granted.

Article VIII—Combined Operations and Combined Establishments

SECTION 8.1 *A person who operates different types of establishments is treated as if he were different persons.* (a) (1) The same "person" may operate different kinds of establishments. He may have, for example, both a "wholesale establishment" and a "retail establishment." For the purposes of this order, he is both a "wholesaler" and a "retailer," since he has establishments of both kinds. The provisions of this order dealing with retailers apply to him as far as the operation of his retail establishment is concerned. The operation of his wholesale establishment is regarded as separate and is governed by the provisions dealing with wholesalers. Thus, he is treated as if he were two persons.

(2) This rule also applies to the way in which a person who is both a wholesaler and a retailer must handle the points he gets in connection with his wholesale and his retail establishment. The only points he may use as a retailer are those he gets in connection with his retail establishment. If he "transfers" food from his wholesale establishment to his retail establishment, points he has as a retailer must be given up. When those points are given up to his wholesale establishment, they become points he has as a wholesaler. Points he has as a retailer must be kept and handled separately from the points he has as a wholesaler.

(3) The same rules apply to a person who has other types of establishments, such as "primary distributor establishments" or "industrial user establishments."

(b) Where a person has establishments of more than one kind, he must operate them as if each separate kind belonged to a separate person, as far as the provisions of this order are concerned. All dealings between establishments of different kinds operated by the same person are treated just as if those establishments were operated by different persons.

SEC. 8.2 *The same person may be both a wholesaler (or retailer) and an industrial user at the same place.* (a) A person may keep stocks of "foods covered by this order", at a place, for sale or other transfer, and may also use such food at that place for the production of a food which is not rationed by this order. (For example, he may sell "butter" at a particular place and may also operate a bakery there and use butter in baking pies.) In a case of this type, the place is treated as two establishments. If food is transferred from there, it may be a retail or a wholesale establishment, depending upon the facts. It would also be an industrial user establishment, since food is used there in baking pies for sale.

(b) A place of the type described in the last paragraph must be registered as a retail or wholesale establishment, depending upon which it is. Its sales or transfers of food, and its stocks held for sale or transfer, must be included in that registration. It must also be registered as an industrial user establishment, and its stocks held for such use must be included in the industrial user registration.

SEC. 8.3 *The same person may be both a wholesaler (or retailer) and an institutional user at the same place.* (a) If, in the case described in the last section, the person operated a restaurant at that place, as well as (or instead of) a bakery, it would also be an "institutional user establishment." (Restaurants are covered by General Ration Order 5 and are called institutional user establishments in that order.) A place of that type must be registered under General Ration Order 5. Its restaurant activities and its stocks of food held for restaurant use must be included in that registration.

SEC. 8.4 *The same person may be both a primary distributor and a wholesaler (or retailer) at the same place.* (a) A person may produce or import food covered by this order at a particular place, for sale or transfer. He may also regularly keep at that place, for sale or transfer, food which he did not produce or import there. In such a case, that place is a primary distributor establishment, as to the food produced or imported there. If it does not meet the tests of sections 4.6, 4.7 or 4.9, it would also be a

retail or wholesale establishment, depending upon the facts, since he regularly keeps there, for sale or transfer foods produced or imported somewhere else.

(b) A place of the type described in the last paragraph must be registered as a primary distributor establishment. It must also be registered as a wholesale or retail establishment, depending upon which it is. Its production or imports, and its stock and shipments of food produced or imported there, must be included in the primary distributor report. The stocks which were produced or imported elsewhere (to the extent that they do not come within sections 4.6, 4.7 or 4.9) and its sales and transfers of those stocks, must be included in the wholesaler or retailer registration.

SEC. 8.5 *The same place may be more than one establishment.* (a) The situations described in the last four sections are examples of the rule that the same place may be more than one establishment, depending upon the type of business or operations carried on there. Wherever the operations at a place are such that it is more than one establishment, it is treated just as if each of those establishments were located at a different place.

(b) No place can, however, be both a retail and a wholesale establishment of the same person. Under the definitions of retail and wholesale establishments, the place may be one or the other, but not both.

(c) The word establishment, as it is used in this order thus covers the operations at a place, as well as the place itself. Where a person such as a wholesaler or a retailer, does not operate from any fixed place, his wholesale or retail operations as a whole are regarded as a single establishment.

Article IX—Ration Bank Accounts

SECTION 9.1 *A ration bank account is an account in which points are deposited.* (a) A ration bank account is a bank account very much like an ordinary checking account. A "person" who opens a ration bank account deposits in it points he receives, and issues checks drawn on it for points he uses. These checks are called ration checks. (The general rules for the opening, closing and use of ration bank accounts are covered by General Ration Order 3A.[3]

SEC. 9.2 *Who must open a ration bank account*—(a) *Primary distributors.* Every "primary distributor" who transferred "foods covered by this order" worth $2,000 or more during any of his reporting periods from January 1, 1942 on, or who uses points to "acquire" foods covered by this order, or who imports such foods, must open a separate ration bank account for each of his "primary distributor establishments." Any other primary distributor may open an account if he wishes, but is not required to do so. No ration bank account may be opened or used for more than one primary distributor establishment.

[3] 8 F.R. 1130, 1449, 1963.

(b) *Wholesalers.* Every "wholesaler" must open a ration bank account for his "wholesale establishment." If he has more than one wholesale establishment and they are to be registered separately, he must open a separate account for each. If they are to be registered together, he may open one account for all, or a separate account for each or for any group of them, but all must have an account.

(c) *Retailers.* Every "retailer" whose gross sales of all foods during December 1942 were over $5,000, or who has more than one "retail establishment," must open a ration bank account. If he has more than one retail establishment and they are to be registered separately, he must open a separate account for each. If they are to be registered together, he may open one account for all, or a separate account for each or for any group of them, but all must have an account. Any other retailer may open an account if he wishes, but is not required to do so.

(d) *Mail order houses.* Any primary distributor or retailer who receives "stamps" or "certificates" from and who makes "transfers" to "consumers" by mail, must open a ration bank account.

(e) *Industrial users.* An "industrial user" is entitled to open a ration bank account, but is not required to do so. If he has more than one "industrial user establishment" and they are registered together, he must, if he opens an account, either open one account for all, or a separate account for each or for any group of them, and all must have an account. If they are registered separately, he may open a separate account for any one or more of them, without opening an account for the others, but no account may be opened or used for more than one of them.

(f) *Institutional users.* The opening of ration bank accounts by "institutional users" is covered by General Ration Order 5.

(g) *Industrial consumers.* "Industrial consumers" may open ration bank accounts if they wish, but are not required to do so. They may open such accounts as they find convenient.

SEC. 9.3 *All points must be deposited in the account.* (a) Every primary distributor, wholesaler, retailer or industrial user who has a ration bank account, must deposit in his account all points he receives, whether in the form of stamps, certificates, or ration checks.[3] Industrial consumers who have accounts may deposit their certificates in them. (Sections 2.3 and 3.2 state exceptions to this paragraph.)

SEC. 9.4 *When points must be deposited.*—(a) *Stamps.* A person who has a ration bank account may not deposit stamps later than twenty (20) days after the last date on which they were good for use by a consumer. (The periods during which particular stamps are good, are fixed in the supplement to this order.)

[3] For the purposes of General Ration Order 3A, red stamps from War Ration Book Two, certificates (on OPA Form R–1201) and ration checks are to be regarded as "evidences" valid for deposit. The term "evidences" is not, however, used in this order. Credit authorizations (OPA Form R–1608) are also valid for deposit.

(b) *Certificates.* He may not deposit a certificate later than twenty (20) days after the date which appears on it. (The fact that the certificate may have passed through several hands before reaching him does not give him any more time to deposit it.)

(c) *Effect of failure to deposit stamps or certificates.* A stamp or certificate which was not deposited on time is not good, and may not be used or accepted for any purpose.

(d) *Ration checks.* Ration checks may be deposited at any time.

Article X—Sales and Transfers of Foods Covered by This Order

SECTION 10.1 *Only retailers, wholesalers, and primary distributors may transfer foods covered by this order.* (a) Beginning March 29, 1943, only "retailers," "wholesalers," and "primary distributors" may sell or "transfer" "foods covered by this order." (Certain transactions between "consumers," covered in section 2.2, are excepted from this rule. Certain other exceptions are covered in Article III and Article XI.)

(b) An "industrial" or "institutional user" may, however, sell or transfer foods covered by this order which he has for use in his "industrial user" or "institutional user establishment," in the same way that a retailer is permitted to sell or transfer those foods, if he is not able to use those foods in his establishment before they spoil. He must, immediately after selling or transferring them, account to his "board" for points equal to their point value, and must give up to the board at that time any points received for them.

(c) An industrial user or "industrial consumer" may also sell or transfer any residue of foods covered by this order which he has and is no longer able to use for his purposes in his industrial user establishment or for "industrial consumption," in the same way that a retailer is permitted to sell or transfer those foods. He must, immediately after selling or transferring them, account to his board for foods he transferred, and must give up at that time all points received for them.

SEC. 10.2 *Transfers to certain persons after March 28, 1943 may be made only for points.* (a) Beginning March 29, 1943, no person may sell or transfer foods covered by this order to anyone other than a retailer, wholesaler, or primary distributor, and no person other than a retailer, wholesaler, or primary distributor may buy or acquire those foods, regardless of any contract or other agreement, unless points are given up in the way this order requires.

(b) No points may be given up by, or accepted from, a retailer, wholesaler, or primary distributor for any foods covered by this order transferred to or acquired by him before April 10, 1943.

SEC. 10.3 *Transfers to retailers, wholesalers and primary distributors after April 10, 1943 may be made only for points.* (a) Beginning April 11, 1943, no

person may sell or transfer foods covered by this order to a retailer, wholesaler, or primary distributor, and no retailer, wholesaler or primary distributor may buy or acquire those foods, unless points are given up in the way this order requires. (The word "transfer", as it is defined, means to sell, as well as to transfer in other ways. The word "acquire" means to buy, as well as to get in other ways. Therefore, the only words which will generally be used, in later sections, are "transfer" and "acquire".)

The rules covering various kinds of transactions are set forth in the sections which follow.

SEC. 10.4 *How foods covered by this order are transferred to consumers*—(a) *General.* Foods covered by this order may be transferred to a consumer, and may be acquired by him, only if he gives up to the seller or transferor, points exactly equal to the point value of the foods transferred, except that fractional amounts are to be handled in the way described in section 10.6. (Certain transactions between consumers covered in section 2.2 are excepted from this rule. Certain other exceptions are covered in Article III and Article XI.) If the consumer is unable to give up points exactly equal to the point value of the foods transferred, because he does not have "stamps" of sufficiently small value to make up the proper amount, the transferor may accept stamps of the nearest higher value which the consumer has, and the transferor must return the excess points to the consumer in the form of loose one-point stamps.

(b) *How transfer may be made.* A food covered by this order made be transferred to consumers only in a form in which it appears on the Official Tables of Consumer Point Values (OPA Forms R–1313 and R–1611) or the Official Table of Trade Point Values (OPA Form R–1612).

(c) *Point values must be posted.* (1) Beginning March 29, 1943, every retailer, wholesaler or primary distributor who displays his stocks of foods covered by this order to consumers, must post at the place where he displays the stocks, the Official Tables of Consumer Point Values (OPA Forms R–1313 and R–1611) showing the items he carries, in such manner that they can be plainly seen and read by consumers. If he carries any item for sale or transfer to consumers in a form in which it appears on the Official Table of Trade Point Values (OPA Form R–1612), and does not appear on the consumer point value tables, he must keep the Official Table of Trade Point Values available for inspection.

(2) Every retailer, wholesaler, or primary distributor who has an establishment at which the foods covered by this order which he carries are displayed to consumers must post there the point value of every item of such food he carries. The point value must be posted, in such manner that it can be plainly seen and read by consumers, in one or more of the following ways:

(i) On the item itself; or

(ii) On the shelf or other place where the item is kept; or

(iii) On a list attached to, or posted next to, the shelf or other place where the item is kept.

(d) *How points are given up.* Points may be given up by, and taken from, a consumer only in the form of red "stamps" from his War Ration Book Two, a "certificate" issued for him, or loose one-point stamps.

(e) *When points must be given up.* The seller or transferor must take the points from the consumer at the time when the foods are transferred.

(f) *When stamps must be detached.* The seller or transferor may accept a stamp only if it is torn out of War Ration Book Two in his presence, and only if the book has a validation stamp on its cover. Loose stamps may not be used by a consumer and they must not be accepted by the seller or transferor. However, a transferor may accept loose one-point stamps from a consumer unless he knows or has reason to believe those stamps were not acquired by the consumer in the way permitted by paragraph (a) of this section.

(g) *When stamps are good.* Each stamp is good for a limited time and may be accepted for a transfer to a consumer only during that time. The letter printed on the stamp serves to indicate when it may be used by a consumer. Stamps lettered A, B, C and D, may be accepted from a consumer only during the following periods:

Stamps lettered:	*Time when they may be used (inclusive)*
A	March 29, 1943 to April 30, 1943.
B	April 4, 1943 to April 30, 1943.
C	April 11, 1943 to April 30, 1943.
D	April 18, 1943 to April 30, 1943.

The periods during which other stamps may be accepted from a consumer will be fixed by the Office of Price Administration in a supplement to this order. However, a primary distributor who holds a permit as a farm slaughterer under Food Distribution Order No. 27 of the Food Distribution Administration, may accept for a transfer of "meat" to a consumer, not only currently valid stamps, but also red stamps remaining in the consumer's War Ration Book Two which are not yet good, up to the total point value of the meat transferred.

(h) *Use of certificates.* A certificate may be accepted from a consumer only if it has been signed on the back by the person for whom it was issued (or by someone authorized to act for him, if he cannot write). A certificate is not valid for a transfer to a consumer after the expiration date shown on its face, and may not be used or accepted for such a transfer after that date.

(i) *Mail order sales.* (1) Foods covered by this order may be transferred to consumers by mail if a certificate or detached stamps are received with the order. Stamps or certificates which are received after the last date on which they are good in the hands of the person who sent them may be accepted if the envelope in which they are enclosed is postmarked on or before that date.

(2) If the transferor fails to deliver foods equal in point value to the points received, he shall issue and send to the consumer a ration check for the balance.

(3) Before accepting stamps from and making transfers to consumers by mail, any retailer, wholesaler, or primary distributor who wishes to do so, must notify, in writing, the district office for the place where his principal business office is located. The notice must give his name and principal business address, the name and address of each establishment from which he will make transfers to consumers by mail, and must contain an estimate of the dollar volume of his mail order deliveries to consumers during 1942 of foods covered by this order. He may not make any such transfers until he has given this notice. Beginning March 29, 1943, he must keep a record of the dollar volume of his transfers to consumers by mail of foods covered by this order.

(4) No primary distributor or retailer may receive stamps or certificates from and make transfers to consumers by mail unless he has a ration bank account.

SEC. 10.5 *How foods covered by this order are transferred to persons other than consumers*—(a) *General.* Foods covered by this order may be transferred to and acquired by a retailer, wholesaler or a primary distributor after April 10, 1943, or transferred to and acquired by an industrial or institutional user or industrial consumer after March 28, 1943, only if he gives up to the seller or transferor points exactly equal to the point value of the foods transferred, except that fractional amounts are to be handled in the way described in section 10.6.[4] (Certain exceptions to this rule are covered in Article XI.)

(b) *How transfer may be made.* A food covered by this order may be transferred only in a form in which it appears on the Official Table of Trade Point Values (OPA Form R–1612) or the Official Tables of Consumer Point Values (OPA Forms R–1313 and R–1611).

(c) *Point value.* The number of points which must be given up for a transfer of these foods is determined by their point value at the time of the transfer.

(d) *When points must be given up.* The transferor must get the points from the transferee, and the transferee must give them up, at or before the time when the transfer is made. However, if the transfer is made through shipment by railroad or any other public carrier, the transferor may arrange to have the carrier get the points for him from the transferee at the time of actual delivery, or to have the points obtained for him by anyone in exchange for the bill of lading or other document entitling its holder to take possession of the foods. Where transfer is made by delivery at a time when the transferor or his authorized agent or the transferee or his authorized agent is not present, the points may be given up later, but not more than

[4] For convenience, the retailer, wholesaler, primary distributor, industrial or institutional user, or industrial consumer, to whom the transfer is made, will sometimes be called "the transferee" in the paragraphs which follow.

seventy-two (72) hours after the delivery.

(e) *Form in which transferor must get points.* The transferor may take points from the transferee only in the form of stamps, certificates or a ration check drawn on the transferee's ration bank account.

(1) *Stamps.* No stamp may be accepted from the transferee more than ten days after the last date on which it was good for use by a consumer. The stamps must be enclosed in sealed envelopes and must be handled in all respects in accordance with the procedure described in General Ration Order 7 for the use of such envelopes.

(2) *Certificates.* A certificate may not be accepted from the transferee unless the name of the person to whom it was issued has been written on the back. The back of the certificate must also carry the signature of the transferee. The certificate may not be accepted more than ten days after the date shown on its face. However, if it was issued to the transferee, it may not be accepted after the date shown on its face.

(3) *Ration checks.* A ration check may be accepted by the transferor only if it is made payable to him, and if it is drawn by the transferee. If the transferor does not have, and is not required to have, a ration bank account, he must take the check to his "board" and get a certificate in exchange for it.

(f) *Form in which transferee must give up points*—(1) *Primary distributors.* A primary distributor who has, or is required to have, a ration bank account, must give up points only in the form of a ration check drawn on his ration bank account. Other primary distributors may give up points in the form of stamps or certificates, except that they may give up points to a board in the form of ration checks made payable to them.

(2) *Wholesalers.* A wholesaler may give up points only in the form of a ration check drawn on his ration bank account.

(3) *Retailers.* A retailer who has, or is required to have, a ration bank account must give up points only in the form of a ration check drawn on that account. Other retailers may give up points only in the form of stamps or certificates, except that they may give up points to a board in the form of ration checks made payable to them.

(4) *Industrial and institutional users.* An industrial or institutional user who has a ration bank account must give up points only in the form of a ration check drawn on that account. Other industrial or institutional users may give up points only in the form of certificates.

(5) *Industrial consumers.* An industrial consumer may give up points either in the form of a certificate or a ration check.

(6) *General.* Points may be transferred freely between establishments of the same type, other than primary distributor establishments, operated by the same person, which are or will be registered together, and points of one of those establishments may be used to get foods covered by this order for another of them. However, this rule does not apply to the movement of points between institutional user establishments, which is covered by the provisions of General Ration Order 5.

SEC. 10.6 *Point fractions are to be computed to nearest full point.* (a) In any case in which the point value of an amount of foods transferred under this order is not a whole number, the number of points which must be given up is to be computed in the following ways:

(1) If the fraction is less than one-half point, the fraction is to be dropped;

(2) If the fraction is one-half point or more, a full point must be given up;

(3) If more than one item of food covered by this order is transferred at the same time, and the point value of the amount of two or more of those items transferred comes to a fraction of exactly one-half point, the fractions are to be added;

(4) No foods covered by this order may be transferred for less than one point, except in accordance with the provisions of section 6.10.

SEC. 10.7 *Transfers between establishments of different types or between separately registered establishments of the same type operated by the same person.* (a) All of the rules set forth above which apply to transfers from one person to another, also apply to transfers between establishments of different types operated by the same person. (For example, a person may have both a wholesale and a retail establishment. He is, therefore, both a wholesaler and a retailer. He is permitted to transfer foods covered by this order from his wholesale to his retail establishment. However, when he does so, he must give up points from the retail to the wholesale establishment just as if those establishments were operated by two different persons.

(b) The rules set forth above which apply to transfers from one person to another also apply to transfers between establishments of the same type which are operated by the same person but which are registered separately under this order.

SEC. 10.8 *Transferor may not use points he receives in advance until foods are transferred.* (a) A transferor may receive points from his transferee before he actually transfers the foods covered by this order. In that case, he may not use points so received, to get other such foods, until he has actually transferred to the transferee foods worth that number of points.

SEC. 10.9 *Points may be returned for underdeliveries of foods covered by this order.* (a) If a retailer, wholesaler, or primary distributor receives points in advance for a transfer of foods covered by this order, and is unable to transfer all or any part of the amount ordered, he may return the points in excess. He must return the points in the same form he would use to give up points for a purchase or other acquisition of such foods. (For example, a wholesaler can give up points only in the form of a ration check. He would, therefore, have to return points only in the form of a check drawn on his account.) However, since points may not be accepted in advance from consumers, this section does not apply to consumers, except in connection with mail order transactions.

SEC. 10.10 *Points must be given up for imports of foods.* (a) Any person (other than a primary distributor who follows the procedure set forth in section 11.11) who imports foods covered by this order must give up points equal to the point value of those foods to the Collector of Customs (or his deputy) at or before the time the foods are released or delivered to him by the Collector.

(b) The Collector of Customs shall turn over, each month, to the State Office for the area in which the port of entry is located, all points received by him in this way during the preceding month.

Article XI—Point-Free Transfers

SECTION 11.1 *Foods in transit to industrial or institutional users or industrial consumers on March 28, 1943, may be acquired point-free.* (a) No points need be given up for a delivery of "foods covered by this order" to an "industrial" or "institutional user," or to an "industrial consumer" if those foods were in transit to him on March 28, 1943. (NOTE: Foods which were in transit to an industrial or institutional user at the close of business on March 28, 1943, must be included in the inventory which he reports in his registration.)

SEC. 11.2 *Foods in transit to primary distributors, wholesalers, or retailers on April 10, 1943, may be acquired point-free.* (a) No points need be given up for a delivery of foods covered by this order to a "primary distributor," "wholesaler," or "retailer," if those foods were in transit to him on April 10, 1943.

SEC. 11.3 *Foods may be moved to establishment in whose inventory they are included, point-free.* (a) No points need be given up for a movement of foods covered by this order to the establishment in the inventory of which those foods were included immediately before the movement started.

SEC. 11.4 *Foods covered by this order may be exchanged for other such foods.* (a) Any "person" may exchange foods covered by this order with any other person, for such foods of equal point value, without giving up or taking points. (This rule applies even if there is a money payment to make up any difference in the money value of the foods exchanged.)

SEC. 11.5 *Lost or stolen foods may be returned, point-free.* (a) No points need be given up for a return of lost or stolen foods to the person who lost them or from whom they were stolen.

SEC. 11.6 *Stocks of foods may be moved point-free between establishments of the same person which are registered together.* (a) No points need

be given up where a person moves stocks of foods covered by this order from one of his establishments, to another of his establishments of the same kind, if those establishments are, or will be, registered together. For example, a person who has two "retail establishments" which are, or will be, registered together, may move foods covered by this order from one to the other without exchanging points between them. (However, a record must be kept of the amount of stocks involved in each such movement.) When a person "transfers" foods covered by this order between establishments of different kinds—for example, from his "wholesale establishment" to his retail establishment—points must be given up just as if those establishments were operated by different persons.

(b) This rule does not apply to the movement of stocks between "institutional user establishments," which is covered by the provisions of General Ration Order 5.

SEC. 11.7 *Foods may be stored and returned from storage, point-free.* (a) No points need be given up for a delivery of foods covered by this order for storage purposes only.

(b) No points need be given up for a delivery of such foods from the place of storage to the person who stored them, or to a person to whom he has sold or transferred them. (However, that sale or transfer must be made in a way permitted by this order.)

SEC. 11.8 *Security interests in foods may be created and released, point-free.* (a) No points need be given up for a transfer of foods covered by this order, or of any interest in them, for security purposes only. (For example, if such foods are pledged or mortgaged, the person with whom they are pledged or mortgaged need not give up points.)

(b) No points need be given up for a release of a security interest in such foods, or for a return of those foods to the person who originally transferred them for security purposes. (For example, a person who pledged those foods may get them back without giving up points. Similarly, a person who gave a chattel mortgage on them need not give up points when the mortgage is ended.)

SEC. 11.9 *Foods may be transferred, point-free, for liquidation, by operation of law, or in judicial proceedings*—(a) *General.* No points need be given up for a transfer of foods covered by this order to a person who gets them for liquidation only. Also, no points need be given for a transfer of such foods as part of a judicial proceeding, or by operation of law, order of a court, or judicial process. (For example, foods may be taken over by a creditor, under a court order, without any surrender of points. If such foods are assigned for the benefit of creditors, the person to whom they are assigned need not give up points to the person making the assignment. Also, a person need not give up points when he inherits such foods or "acquires" them by will.)

(b) *How transferee may dispose of the foods.* A person who acquires foods covered by this order in this way must, within five (5) days after acquiring them, report to the district office for the place where his principal business office is located:

(1) The kinds and the point value of the foods acquired;

(2) The name and address of the person from whom they were acquired:

(3) The way in which and the date when they were acquired.

He may not use the foods unless he gives up to the district office, for cancellation, points equal to their point value. He may, however, sell or transfer them in the same way that a "retailer" is permitted to sell or transfer such foods. He must immediately after selling or transferring them, account to the district office for points equal to their point value.

(c) *Consumer inheritance.* A consumer who gets foods covered by this order from another consumer, by inheritance or by will, may use them without giving up points.

SEC. 11.10. *Foods may be acquired, point-free, by insurers or for salvage*—(a) *Acquisition of damaged foods.* Damaged foods covered by this order and undamaged foods covered by this order mingled with them may be transferred to, and acquired by, the following persons, without any surrender of points:

(1) A person who has paid or is liable for a claim for the damage done to the foods, and who is entitled to reimburse himself by taking them over;

(2) A person in the business of adjusting losses or of reconditioning or selling damaged articles.

(b) *Disposal of the foods.* The person acquiring the foods must, within five days after acquiring them, report to the district office for the place where his principal business office is located:

(1) The kinds and point value of the foods acquired;

(2) The name and address of the person from whom he acquired them;

(3) The way in which and the date when they were acquired. If he cannot ascertain the kinds and point value immediately, he must describe the approximate amount he received and must give the detailed information as soon as he can. He may dispose of those foods only by a sale or transfer in the same way that a retailer is permitted to sell or transfer such foods. He must, immediately after selling or transferring them, account to the district office for points equal to their point value. If he cannot dispose of them all, he must report to the district office the amount which was not salable.

SEC. 11.11 *Foods may be delivered to importer by customs official, point-free.* (a) No points need be given up for a release or delivery of foods covered by this order by an authorized customs official to a primary distributor who imported them, if the primary distributor submits a written statement to the official showing:

(1) His name;

(2) His principal business address;

(3) The name and address of his primary distributor establishment at which the foods will be kept;

(4) The name and address of the district office with which that establishment is registered; and

(5) The amount and kinds of foods imported at that time.

(b) The Collector of Customs shall turn over, each month, to the district offices named thereon, all statements received from primary distributors during the preceding month.

SEC. 11.12 *Foods may be transferred, point-free, in connection with transfer of a business.* (a) No points need be given up for a sale or transfer of foods covered by this order which are in the inventory of an establishment, as part of a sale or other transfer of the establishment itself for continued operation. A person who so buys or acquires such foods may not use them, but may hold them only for sale or transfer. However, a person who acquires an industrial user establishment may use its stocks up to the amount of any allotment he gets. (The procedure which the transferor and transferee must follow, where an establishment is transferred for continued operation, is covered in Article XII.)

Article XII—Sale of business

SECTION 12.1 *Sale or transfer of retail, wholesale, or primary distributor establishment*—(a) *General.* (1) When any "person" sells or "transfers" to any other person the business and inventory of his "retail", "wholesale" or "primary distributor establishment", for continued operation, they must both notify the "board" at which the establishment is registered, or the district office, if it is registered there. The notice must be given in writing, within five days after the sale or transfer, and must show:

(i) The name and business address of the establishment and of the persons transferring and "acquiring" it;

(ii) The point value of the inventory transferred; and

(iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points sent to a supplier for "foods covered by this order" not yet shipped.

This notice will be treated as the transferee's registration and as a cancellation of the transferor's registration.

(2) If the transferor has a ration bank account, he must notify the district office, in the way required by General Ration Order 3A (the ration banking order).

(b) *Purchaser of retail or wholesale establishment may get its points.* The purchaser or transferee of a retail or wholesale establishment may get and use all of the establishment's points in the same way that the seller or transferor was entitled to use them. If the transferor has "stamps" or "certificates", he is to give them to the transferee. If the establishment has a ration bank account, the transferor is to

issue a ration check to the transferee, for the number of points in the account less outstanding ration checks. (The transferee must use the check either to open a ration bank account for the establishment, or, if he does not and is not required to open one, to get a certificate from the board.)

(c) *Seller of primary distributor establishment must give up all points to the Office of Price Administration.* A person who sells or transfers a primary distributor establishment must, within five days after the transfer, turn over to the board (or to the district office, if it is registered there), all points on hand at that establishment and all in its ration bank account. He does so by issuing and sending his certified ration check, payable to the Office of Price Administration, along with his notice of the transfer. (If any of the points represent foods not yet shipped, he must attach to his notice a statement showing the amount and the person from whom he got them.)

(d) *Same rules apply to sale of an entire chain.* The rules set forth above also apply to a person who has more than one establishment of a particular kind and who sells or transfers all of them for continued operation, whether or not the establishments were registered together. He must give the information and give up or transfer the points for all the establishments.

(e) *Sale of part of a chain.* Where the seller or transferor also has other establishments of the same kind which are not sold or transferred, the procedure described in paragraph (a) of this section must be followed. However, if the transferor's establishments were registered together, the purchaser or transferee may acquire the inventory of the transferred establishment, but he may not acquire its points. In this case, the seller or transferor keeps the points. If he is a "retailer", or "wholesaler", he may use the points with his other establishments of the same kind as the transferred establishment. If he is a "primary distributor" he must give up to the board or district office, the points received for sales and transfers of foods covered by this Order from that establishment at the time that he is required to give up points received by his other primary distributor establishments.

SEC. 12.2. *Sale or transfer of industrial user establishments.*—(a) *General.* (1) When an "industrial user" sells or transfers to any other person the business and inventory of his "industrial user establishment", for continued operation, both the transferor and transferee must notify the board at which the establishment is registered. The notice must be in writing, within five days after the sale or transfer, and must show:

(i) The name and business address of the establishment and of the persons transferring and acquiring it;

(ii) The point value of the inventory transferred;

(iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points sent to a supplier for foods covered by this order not yet shipped.

(2) If the transferor has a ration bank account, he must notify the district office, in the way required by General Ration Order 3A.

(b) *Transferor must give up unused points.* The seller or transferor must give up to the board all unused points he has for the establishment. If the establishment has a ration bank account, he must give up the points in the form of his certified ration check payable to the Office of Price Administration. The notice described in paragraph (a) of this section, and the surrender of unused points, will be treated as a cancellation of the transferor's registration and allotment.

(c) *Application for allotment by transferee.* The transferee may not use the stocks of foods covered by this order which are transferred with the establishment unless he receives an allotment. The application for an allotment must be made, on OPA Form R–315, to the board for the place where the establishment was registered, and must state facts showing whether:

(1) The entire establishment, including substantially all the equipment, the good will, and the inventory of foods covered by this order has been transferred;

(2) The transferee will continue to serve, from that establishment, the same general class of customers and the same area served by it before the transfer; and

(3) The transferee will continue to produce, at the establishment, the same product or products, though not necessarily under the same trade name. The board shall send the application, the notices sent to it by both parties and the transferor's registration to the district office.

(d) *Granting of allotment.* If the district office finds that the establishment will continue to be operated in substantially the same manner as before the transfer and that the tests described in paragraph (c) are satisfied, it shall assign to the transferee the transferor's allotment and quarterly use for that establishment. It shall also give him a certificate for the number of points that the transferor surrendered to the board or, if the amount of foods covered by this order transferred to the transferee with the establishment is larger than the unused part of the allotment for the current period plus any unused part of the transferor's earlier allotments, the difference shall be treated as excess inventory. The transferee may not use any part of the allotment already used by the transferor, but he may use any unused part of any prior allotment the transferor received for that establishment.

(e) *Same rules apply to sale of entire chain.* The same rules apply where a person who has more than one industrial user establishment sells or transfers all of them for continued operation, whether or not they were registered separately.

(f) *Sale of part of a chain.* (1) When the seller or transferor has more than one industrial user establishment which he registered separately, and sells or transfers one or more, but not all of them, the procedure described in paragraphs (a), (b), (c) and (d) of this section must be followed separately, as to each of the establishments transferred.

(2) When the seller or transferor has more than one industrial user establishment which he registered together, and sells or transfers one or more, but not all of them, the procedure described in paragraphs (a) and (c) of this section must be followed, except that the transferor must also apply to the board with which he registered for a redetermination of his allotment and his quarterly use. The board shall send the application and notices of both parties, and the transferor's registration, to the district office. If the district office finds that the tests described in paragraph (c) are satisfied, it shall grant an allotment to the transferee and assign to him a quarterly use. It shall first determine the amount of the transferor's allotment and quarterly use allocable to the transferred establishment. That quarterly use shall be assigned to the transferee. The transferee's allotment shall be the part of the transferor's allotment corresponding to the unexpired part of the allotment period. The quarterly use and the allotment assigned to the transferee shall be deducted from the quarterly use and current allotment of the transferor. The district office shall issue a certificate to the transferee (or determine his excess inventory) on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of foods covered by this order which is transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up points to the Office of Price Administration for the difference. If he does not give up points, that difference shall be treated as excess inventory.

(g) *Transferee's registration.* A transferee is regarded as registered as soon as the district office assigns an allotment and quarterly use to him.

(h) *Use of allotment by transferee.* A transferee may not use an allotment assigned to him under this section if his operation of the transferred establishment ceases to meet the tests described in paragraph (c).

SEC. 12.3 *Where and how the transferee registers the establishments acquired by him.* (a) A person who buys or otherwise acquires an establishment of any type, other than a primary distributor establishment, and who already has two or more establishments of the same type as the one acquired by him, which are registered together, must register the new establishment together with his other establishments and at the same board. If he already has his other establishments of the same type registered separately, the new establishment must be registered separately with the board for the place where it is located.

If he has only one other establishment of the same type he may elect whether his establishments will be registered together or separately. If he registers them together, registration shall be at the board for the place where his principal office is located. If he registers them separately, registration shall be at the board for the place where the establishment will be located. (Primary distributor establishments must always be registered separately.)

(b) The same rules apply to industrial user establishments. If a person who acquires more than one industrial user establishment is entitled to or is required to, register them separately, the district office must compute separately the portion of the transferor's allotment and quarterly use allocable to each of the establishments acquired, in the way described in section 12.2 (f) (2).

Article XIII—New Businesses

SECTION 13.1 *New retail and wholesale establishments may be opened.*—(a) *How stocks are obtained.* A "person" who wishes to open a "retail establishment" or a "wholesale establishment", after April 25, 1943, may apply for a "certificate" to get stocks of "foods covered by this order." The application must be made on OPA Form R–315 to the "board" for the place where the establishment will be located. The application must show:

(1) The proposed name and address of the establishment;

(2) The amount he has invested or expects to invest in it;

(3) The size and type of the establishment;

(4) The number of points he needs in order to get adequate stocks;

(5) The point value of any stocks of foods covered by this order which he may have for that establishment.

(b) *Issuance of certificate.* The board will issue to him a certificate for the number of points he needs to get an adequate working inventory.

(c) *Registration.* At the end of his first full week of operation, he must register that establishment, on OPA Form R–1601 or OPA Form R–1602, whichever is applicable, in the same way that "retailers" and "wholesalers" register between May 3 and May 14, 1943. He must give all information called for by the form. However, he must show his sales and "transfers" of foods covered by this order from that establishment during his first full week of operation, instead of during the period from April 25, 1943 to May 1, 1943, and must report his point inventory at the end of that week, instead of at the close of business on May 1, 1943. When he registers, he may get a certificate or, if he has excess inventory, he must give up points to the Office of Price Administration in the same way as retailers or wholesalers who register between May 3 and May 14, 1943. He may not, however, be given a certificate for more than the amount by which his allowable inventory exceeds the amount of the certificate given to him when he applied on OPA Form R–315.

(d) *Procedure where no additional stocks are needed.* Where the person who wishes to open the retail or wholesale establishment has enough stocks, he need not apply on OPA Form R–315. He may begin operation with the stocks he has. However, before making any sales or transfers of foods covered by this order from the establishment after May 14, 1943, he must notify the board for the place where the establishment is located. The notice must be in writing and must give the name and address of the establishment and the point value of its inventory. At the end of his first full week of operation, he must register the establishment and follow the procedure described in the last paragraph.

SEC. 13.2 *New primary distributor establishments may be opened.* (a) A person who opens a primary distributor establishment which was not in operation before April 30, 1943, must notify the district office for the place where the establishment will be located, before making sales or transfers of foods covered by this order from that establishment. The notice must be in writing and must show:

(1) The name and address of the establishment;

(2) The type of foods covered by this order he produces or imports there;

(3) The inventory of that establishment on the date of the notice.

He must file reports for that establishment, on OPA Form R–1606 or OPA Form R–1609, beginning for the reporting period in which he started operations there.

SEC. 13.3 *In special cases, allotments may be granted for new industrial user establishments.* (a) A person who wishes to open an "industrial user establishment" which he did not operate at any time between January 1, 1942, and March 19, 1943, may apply for an allotment. No such application may be granted in any case, unless it is found that:

(1) The operation of the establishment will make a direct contribution to the war effort or is essential to meet civilian needs in the area it will serve; and

(2) The product it will produce cannot be obtained from any other source in the area to be supplied.

(b) The application must be made on OPA Form R–315, to the board for the place where the establishment is or will be located. The application must show:

(1) The product the applicant will make;

(2) The size of the establishment;

(3) The amount he has invested or intends to invest in it;

(4) The market to be supplied;

(5) The kinds and point value of any foods covered by this order he may have on hand for that establishment;

(6) The amount of the allotment requested.

(c) The board may call for any additional information it finds necessary. It may not pass on the application, but must forward it, together with all information received, to the district office. It may attach its recommendation, if any, as to the action to be taken. The district office must forward the entire file to the "Washington Office", for decision, or take such other action as the Washington Office may authorize or direct.

(d) An industrial user who already has an allotment, may not open another industrial user establishment and use his allotment there, unless he applies under this section and is given permission to do so.

SEC. 13.4 *Where a person who opens a new establishment registers if he already has other establishments of the same type.* (a) If a person who opens a new establishment of any type, other than a primary distributor establishment, already has two or more establishments of the same type which are registered together, he must register the new establishment together with his other establishments and at the same board. If he already has establishments of the same type registered separately, the new establishment must be registered separately with the board for the place where it is or will be located. If he has only one other establishment of the same type, he may elect whether his establishments will be registered together or separately. If he registers them together, registration must be at the board for the place where his principal business office is located. If he registers them separately, registration must be at the board for the place where the establishment is or will be located.

Article XIV—Closing of Business

SECTION 14.1 *What a person who closes his establishment must do*—(a) *General.* (1) Any "retailer," "wholesaler", "primary distributor", or "industrial user" who goes out of the business of dealing in or using "foods covered by this order" at his establishment, must notify the "board" at which it is registered, or the district office, if it is registered there. The notice must be given in writing, within five days after he goes out of the business. It must show:

(i) The name and address of the establishment;

(ii) The point value of its inventory at the time he stopped doing business there; and

(iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points in the hands of his suppliers for foods not yet shipped. If he has a ration bank account, he must also notify the district office, in the way required by General Ration Order 3A (the ration banking order).

(2) He must account to the Office of Price Administration for all points he has for the establishment at which he ceased doing business. If all his stocks of foods covered by this order have not been disposed of at the time of the notice, he must account for the rest of the points as soon as the stocks have been liquidated. An industrial user who has given the notice called for above,

may sell or "transfer" his unused stocks of foods covered by this order in the same way that a retailer is permitted to make sales or transfers.

(b) *Closing of entire chain.* The rules set forth in paragraph (a) of this section, also apply to a "person" who has more than one establishment of a particular kind and who goes out of business at all of them, whether or not they were registered separately. He must give the information required, and must give up the points, for all the establishments.

(c) *Closing of part of a chain.* (1) A person who has several retail, wholesale, primary distributor, or industrial user establishments, which are registered separately, may go out of business at one or more, but may continue to operate the others. In that case, he must follow the procedure set forth in paragraph (a) of this section as to each of the establishments at which he goes out of business.

(2) A person who has several retail or wholesale establishments which are registered together may go out of business at one or more, but may continue to operate the others. In that case, he need not give up points to the Office of Price Administration at that time but may use them for the operation of the establishments which he continues. He must notify the board at which it is registered within five days after he closes it. The notice must be in writing and must give the name and address of the establishment closed.

(3) A person who has several industrial user establishments which are registered together may go out of business at one or more, but may continue to operate the others. In that case he must notify the board with which he is registered. The notification must be in writing and must state whether and to what extent he will continue to serve, from his other establishments, the same area and the same general class of customers. The board must send the notification and his registration to the district office. The district office shall determine the extent to which he remains entitled to use his entire allotment. He may keep his entire allotment only if his remaining establishments will continue to serve the same general class of customers and the same area as the establishment closed. His allotment and his quarterly use must be reduced to the extent that he will cease to serve the same class of customers and the same area. If his allotment is reduced, he must give up to the Office of Price Administration points equal to the reduction. If he does not have points to give up, the amount of the reduction shall be treated as excess inventory.

Article XV—Adjustments

SECTION 15.1 *Adjustments for lost, destroyed, or stolen foods—(a) How to apply.* Any "person" who had "foods covered by this order" which were lost, destroyed (other than by rotting or decaying), or stolen, or taken away by legal process or order of a court, may apply for a certificate for the number of points needed to replace them. The application must be made on OPA Form R–315. A "consumer" who wants a certificate must apply to the board for the place where he lives. Any other person must apply to the board with which he is registered (or to the district office, if he is registered there). The application must give:

(1) A description of the foods he wishes to replace, showing their point value;

(2) A description of the way in which they were lost, destroyed, stolen, or taken away.

He must also give any other information that the board (or the district office) may request.

(b) *Action on application.* If the board (or the district office) finds the statements made in the application to be true, it will issue to him a certificate for the number of points needed to replace the foods.

(c) *Recovery of lost or stolen foods.* If the applicant gets back any of the foods covered by his application, he must give back to the Office of Price Administration, for cancellation, points equal to the point value of the foods he recovered.

SEC. 15.2 *Applications may be made for other adjustments—(a) How to apply.* Any "retailer," "wholesaler," "primary distributor" or "industrial user" who needs an adjustment in his inventory or allotments, or other relief, may apply, on OPA Form R–315, to the board with which he is registered, or to the district office, if he is registered there. He must state in his application all facts which he claims show his need for the adjustment, and the nature and amount of the adjustment he requests. He must also give any other information that the board (or the district office) requests.

(b) *Action on application.* A board may not act upon an application under this section. It must send the application, together with all other information received, to the district office. It may attach its recommendation as to the action to be taken. The district office shall send the file to the "Washington Office," for decision, or take such other action as the Washington Office may authorize or direct.

SEC. 15.3 *Points may be received to replace inventory losses due to shrinkage (evaporation).* (a) Any wholesaler who suffers a loss in his inventory of "meat" (except "canned meat") or "rationed cheeses" (except process cheese, cheese foods, bottled cheeses or grated cheese) because of evaporation or dehydration (shrinkage) may apply to his board on OPA Form R–315 for a certificate to replace such losses. The application may be made at any time within one month after each three month period, beginning with April 1, 1943, during which he incurred such losses. The application must be signed by the wholesaler or his authorized agent, and must show:

(1) His name and principal business address;

(2) The three month period during which losses of inventory by shrinkage were incurred;

(3) The point value of his sales and transfers, during that period, of these foods;

(4) The number of pounds of these foods lost by shrinkage during that period;

(5) The point value of his inventory losses, during that period due to shrinkage of these foods. He must also give any other information which the board may request.

(b) If the board finds that the wholesaler suffered an inventory loss because of the shrinkage of these foods held by him for sale or transfer, it shall issue a certificate for the number of points necessary to replace the losses. However, no certificate may be issued to allow more than one percent of the point value of his sales and transfers of these foods during the three months in which the losses were incurred.

Article XVI—Issuance and Use of Certificates

SECTION 16.1 *How certificates are issued—(a) By whom issued.* "Certificates" (OPA Form R–1201) may be issued by the "Washington Office", by a "board", by a district office, by any authorized officer or representative of the Office of Price Administration, or by any person authorized by the Office of Price Administration to issue them. Certificates may be issued only in the cases and for the purposes permitted by this or any other order of the Office of Price Administration.

(b) *How certificates are issued.* The "person" who issues a certificate must insert, in ink, the words "Meats and Fats" in the appropriate space and must sign it and fill in:

(1) The number of points for which it is issued;

(2) The name of the person for whom it is issued; and

(3) The expiration date of the certificate, which is 60 days after the date on which it is issued.

A certificate which is not filled out in this way is not good for the acquisition of foods and may not be used or accepted for that purpose.

(c) Certificates may not be issued for points in fractional amounts.

SEC. 16.2 *Certificates are good for a limited time.* (a) A certificate may not be used by the person for whom it was issued after the date shown on its face. However, a "retailer" who "transferred" "foods covered by this order" for a certificate may use it to acquire such foods within ten days after the date shown on its face, if he does not have and is not required to have a ration bank account. Any person who has a ration bank account may deposit a certificate (whether it was issued to him, or received by him for a transfer of foods) within twenty days after the date shown on its face. A certificate is thus not valid for any purpose more than twenty days after the date shown on its face.

SEC. 16.3 *A certificate must be endorsed.* (a) Before it can be used, a certificate must be signed on the back by the person for whom it was issued, or by a person authorized to sign for him, if he cannot write.

(b) Any retailer, "wholesaler" or "primary distributor" who has transferred foods for a certificate must sign his name on the back of the certificate before he can deposit or use it.

SEC. 16.4 *Board may issue a certificate in exchange for a ration check.* (a) A retailer or primary distributor who does not have, and is not required to have a ration bank account, may take a ration check from a person to whom he sells or transfers foods covered by this order. He cannot use the check, but he must give it to a board and get, in return, a certificate for the same number of points. The board must give a certificate to such a retailer or primary distributor in exchange for a ration check payable to him. (He must endorse the check before exchanging it. The way in which the board then handles the ration check is covered by General Ration Order 3A.)

(b) A consumer who has received a ration check because his mail order was not filled must exchange that check for a certificate, at any board.

SEC. 16.5 *Names of persons who have been given certificates may be posted.* (a) A board may post at its office the name of any person to whom it has issued a certificate under this order. However, it shall not do so if it would reveal information of a military character, or information which any public law enforcement or investigating agency wishes to keep confidential.

SEC. 16.6 *Certificates are the property of the Office of Price Administration and may be revoked.* (a) All certificates are the property of the Office of Price Administration, whether or not they have been issued.

(b) The Office of Price Administration may suspend, cancel, or revoke any certificate issued if it finds it in the public interest to do so.

Article XVII—Records, Reports and Inspections

SECTION 17.1 *Records must be kept for two years.* (a) Every "person" must hold, for at least two years, all records which this order requires him to keep.

SEC. 17.2 *Records may be inspected by Office of Price Administration.* (a) All records kept under this order may be inspected by the Office of Price Administration, through any authorized representative. The inspection may be made at a person's place of business during regular business hours. In the case of records kept on forms prepared by the Office of Price Administration, the inspection of those records may be made at any time or place fixed by the Office of Price Administration. Every person required to keep records under this order must keep them available for such inspection.

SEC. 17.3 *Places where foods covered by this order are kept may be inspected.* (a) The Office of Price Administration, through any authorized representative, may at any reasonable time inspect any place where "foods covered by this order" are produced, imported, processed or kept. Any person who produces, imports, processes, or has foods covered by this order must permit such inspection of the place where he produces, imports, processes or keeps them. This section does not apply to a place if the only foods covered by this order which are produced or kept at that place are produced or kept by a person for his use as a consumer.

SEC. 17.4 *Records and reports are confidential.* (a) Information and documents obtained from any person under this order will not be disclosed, whether in response to a subpoena or in any other way, except to that person, unless the Administrator (or a representative of the Office of Price Administration designated by him) finds that the requested disclosure is not contrary to law and consents to it.

SEC. 17.5 *Office of Price Administration may extend time for registration and reports.* (a) The "Washington office" may, for good cause, give any person additional time to file any registration or report which this order requires him to file. Any person who needs more time for filing a registration or report may apply, in writing, to the Washington office. He must explain, in his application, why he needs more time. The Washington office may impose any conditions it finds proper, when it grants such an extension of time.

Article XVIII—Additional records to be kept by chains

SECTION 18.1 *Chains must keep records of transfers of stocks and points between establishments.* (a) Every person who has more than one "retail" or "wholesale" establishment must, if they are registered together, keep at each establishment a record, in any convenient form, which shows:

(1) The amount of "foods covered by this order" "transferred" from that establishment and "acquired" at that establishment, the date of each transfer or acquisition, and the name and address of the establishment to which the foods were transferred or from which they were acquired. The record must show the amount of foods which were transferred or acquired either by items and sizes, or by point value. (However, no such record need be kept for transfers of such foods to "consumers"); and

(2) The number of points received there (for transfers of foods covered by this order from that establishment), the disposition of those points, and the dates of their disposition.

(b) In addition, he must keep for each ration bank account used by him for more than one establishment, a record showing the number of points deposited in that account by and for each such establishment, and the dates of the deposits.

Article XIX—Appeals

SECTION 19.1 *Persons directly affected by action taken under this order can appeal.* (a) Any "person" directly affected by the action of a "board", district manager, state director or regional administrator, on any application or other matter, may appeal from that action in the way permitted by Procedural Regulation No. 9 of the Office of Price Administration.

(b) This section shall not apply to action taken on any application made under section 15.2.

Article XX—Miscellaneous Rules and Prohibitions

SECTION 20.1 *Additional prohibitions.* (a) No "person" shall use points unless he has received them in a way permitted by this or any other order of the Office of Price Administration.

(b) No person shall "transfer", "acquire", use or possess "foods covered by this order" except in a way permitted by this or any other order of the Office of Price Administration.

(c) No person shall give or transfer points, a "stamp" or a "certificate" to any other person, except in a way permitted by this or any other order of the Office of Price Administration.

(d) No person may transfer foods covered by this order for a stamp, certificate or ration check if he knows or has reason to believe that it is not valid or that the person tendering it is not entitled to use it.

(e) No person shall have a stamp, certificate or ration check in his possession except the person (or agent of the person) to whom it was issued or by whom it was acquired in a way permitted by this or any other order of the Office of Price Administration.

(f) No person shall deface, mutilate, or destroy any stamp, certificate or ration check, except where permitted by this or any other order of the Office of Price Administration. A defaced or mutilated stamp, certificate or ration check is not valid for any purpose.

(g) No person shall counterfeit, forge, or alter a stamp, certificate, credit authorization, or ration check, and no person shall transfer, acquire, possess or use a counterfeited, forged or altered stamp, certificate, credit authorization or ration check.

(h) No person may transfer foods covered by this order in violation of any applicable order of an agency of the United States.

(i) No person shall offer, solicit, attempt or agree to do, or assist in doing any act in violation of this order.

(j) Paragraphs (b), (c), (e), (f), (g) and (h) of this section do not apply to public officials who do any of those acts in the performance of their public duties.

(k) No person shall, in any registration, report, application, or other statement or record made pursuant to or required by this order, make any untrue statement of fact, or omit to state any

fact which is required to be stated or which is necessary to make a statement not misleading.

(l) No person shall, after demand, withhold a stamp, certificate or ration check from the person who is entitled to have it.

(m) No person shall sell or transfer any item of foods covered by this order at a price in excess of the applicable maximum price established for that item by the Office of Price Administration.

(n) No person shall sell or transfer any item of food covered by this order except in a form in which it appears on the Official Tables of Consumer Point Values or Official Table of Trade Point Values.

SEC. 20.2 *Stamps and certificates may not be taken by legal process or acquired by will.* (a) No stamp, certificate or ration check, or any interest in it, may be taken or seized by judicial process or by any court order. However, a person to whom a War Ration Book Two or a certificate has been issued may bring a legal proceeding to recover it from any person who is wrongfully in possession of it. He may, as part of that proceeding, take or seize it by judicial process or court order.

(b) No stamp or certificate, or any interest in it, may be transferred or acquired by inheritance or by will.

SEC. 20.3 *Office of Price Administration must be notified of legal proceedings.* (a) Any person who has a stamp, certificate or ration check must notify the district office of the Office of Price Administration immediately after the beginning of any legal proceeding involving that stamp, certificate or check.

SEC. 20.4 *Definition of meat in price order or regulation governs under this order.* (a) If any item of "meat" shown on the Official Tables of Consumer Point Values (OPA Form R–1313 or OPA Form R–1611) or the Official Table of Trade Point Values (OPA Form R–1612) has the same name as the name used for that item in any price order or regulation issued by the Office of Price Administration, the description of that item, or the definition of its name, in the price order or regulation shall be its description or definition for all purposes of this order.

ARTICLE XXI—Exports

SECTION 21.1 *Foods covered by this order may be exported point-free.* (a) Any "person" who exports "foods covered by this order" to any foreign country or to any territory or possession of the United States (other than the District of Columbia) need not receive points for the export.

SEC. 21.2 *Points may be obtained to acquire foods covered by this order for export.* (a) A person who needs points with which to "acquire" foods covered by this order for export to any foreign country or to any territory or possession of the United States (other than the District of Columbia), may apply, on OPA Form R–315, to the district office for the place where his principal business office is located. The application must show:

(1) His name and business address;

(2) The port (or other shipping point) from which they will be shipped, and the method of shipment;

(3) The name and address of the person to whom the foods are to be exported; and

(4) The number of points needed.

He must also give any other information which the district office may request. However, military or naval information which is secret in nature need not be disclosed.

(b) If the district office finds that the foods will be acquired for export, it shall issue a "certificate" for the number of points needed.

(c) No person may use foods acquired for a certificate issued under this section, for any purpose other than export to a foreign country or to a territory or possession of the United States (other than the District of Columbia). However, if he is unable to export them, he may dispose of them by sale or "transfer" in the way a "retailer" is permitted to do so under this order. Immediately after such a sale or transfer, he must give up to the district office all points received for them.

SEC. 21.3 *Exporter must account for all foods covered by this order exported.* (a) Any person who exports foods covered by this order (other than a "consumer" who acquired them with his "stamps") must submit a copy of a Shippers' Export Declaration (Commerce Form 7525) to the Office of Price Administration within seven days after the export. The declaration must contain a list of the foods exported and must contain a signed statement by an authorized customs official that, to the best of his knowledge and belief, those foods were exported by such person. The person who exported the foods must, if he received an advance of points under section 21.2, send the declaration to the district office from which he received the advance. If he did not receive an advance of points, he must send it to the "board" (or district office) with which he is registered or will register. If he is not required to register, he must send it to the "Washington office".

(b) If the foods were consigned to an agency of the United States and no Shippers' Export Declaration was filed at the time of the shipment the exporter may submit, instead of the Declaration, a bill of lading, manifest, or other satisfactory evidence that the foods were actually exported.

(c) A person who received an advance of points under section 21.2 must account to the district office within thirty days for all the points he received. At that time he must return any points which he did not use to acquire foods covered by this order for export. If, within that time, he exported all the foods which he acquired with the points received, he need only submit the declaration or other evidence of export.

(d) A retailer or "wholesaler" who exported foods covered by this order and who did not receive an advance of points under section 21.2 may, when he submits the declaration or other evidence of export, apply to his board on OPA Form R–315, for points equal to the point value of the foods he exported. If the board finds that the stated amount of foods was exported by the applicant and that he has not already received points with which to acquire or replace them, it shall issue a certificate to him for the number of points needed to replace the foods which he exported.

(e) An agency of the United States which has exported foods covered by this order need not submit a declaration or other evidence of export, and need not account for an advance of points under section 21.2.

Article XXII—Exempt Agencies and Other Special Cases

SECTION 22.1 *Exempt agencies may acquire foods covered by this order.* (a) Nothing in this order restricts the amount of "foods covered by this order" which may be "acquired" by the Army, Navy, Marine Corps or Coast Guard of the United States or by the War Shipping Administration, Office of Lend-Lease Administration or Food Distribution Administration (These agencies are referred to in this order as "exempt agencies" and are exempt agencies for the purpose of General Ration Order 3B.) In addition, the Army Exchange Service, to the extent it acquires such foods for export to a foreign country or a territory or possession of the United States (except the District of Columbia), and ships' service departments afloat, are exempt agencies under this order and General Ration Order 3B, and may acquire such foods without restriction as to quantity.

SEC. 22.2 *How exempt agencies acquire foods covered by this order.* (a) Each of the agencies listed in section 22.1 is authorized to open one or more exempt ration bank accounts of the type described in General Ration Order 3B. Foods covered by this order may be "transferred" to and acquired by these agencies only in exchange for points in the form of ration checks equal to the point value of the foods transferred. However, such foods may be transferred between or within these agencies without the surrender of points.

(b) Any "person" who transfers foods covered by this order to any of these agencies must, at or before the time of delivery, submit to it an invoice or other statement for the points payable on account of the transfer. The ration check must be sent to the transferor at the time of delivery or as soon as practicable thereafter.

(c) If for any reason a ration check cannot be used when one of these agencies acquires foods covered by this order, an emergency acknowledgment shall be given to the transferor, instead of a check. This acknowledgment may be in any form, but must show the name of the agency for which the foods are ac-

quired, the name and address of the activity to which the emergency acknowledgment must be sent for replacement by a ration check, the point value of the foods acquired, and the date of acquisition. The acknowledgment must be signed by an authorized officer or employee of the agency, and must show his official title or rank. A person to whom such an acknowledgment is given may not exchange it at a "board" or use it to acquire foods covered by this order, but must send it to the agency activity designated thereon, and a ration check for the amount of foods transferred is to be given to him in exchange for it.

SEC. 22.3 *Post exchanges and ships' service departments ashore may acquire foods for points.* (a) Foods covered by this order may be transferred to and acquired by Army exchanges, post exchanges of the Marine Corps, and ships' service departments ashore of the Navy and Coast Guard, and other similar activities designated by the respective exempt agencies, only in exchange for points in the form of ration checks equal to the point value of the foods transferred, without regard to who transfers them. However, Army exchanges, post exchanges, ships' service departments ashore, and similar designated activities, may not open ration bank accounts with unlimited drawing privileges of the type described in General Ration Order 3B. Points needed by these activities for the acquisition of foods covered by this order will be issued to them in accordance with arrangements between the Office of Price Administration and the Army Exchange Service of the United States War Department, and the Bureau of Naval Personnel of the Navy Department, the Coast Guard and the Marine Corps. (The issuance of points for use by Army exchanges, post exchanges and ships' service departments ashore for the acquisition of foods covered by this order for institutional use is covered by General Ration Order 5.)

(b) Points may be transferred freely without a transfer of foods covered by this order among ration bank accounts maintained for Army exchanges, among accounts maintained for Marine Corps post exchanges, among accounts maintained for ships' service departments ashore of the Navy, and among accounts maintained for ships' service departments ashore of the Coast Guard.

(c) On or before April 30, 1943, Army exchanges, post exchanges, ships' service departments ashore, and similar designated activities, may, if ration checks are unavailable, use emergency acknowledgments to acquire foods covered by this order, in the way described in section 22.2 (c). An emergency acknowledgment issued under this section may not be used by the person to whom it was issued to acquire foods covered by this order, but must be exchanged for a ration check at the activity designated thereon.

SEC. 22.4 *Sales commissaries, post exchanges and ships' service departments ashore may transfer foods for points.* (a) Army exchanges, post exchanges, ships' service departments ashore, sales commissaries, commissary stores, and any other activity of the Army, Navy, Marine Corps or Coast Guard and the Food Distribution Administration may transfer foods covered by this order only in exchange for points in the same way as "retailers" are permitted to make transfers under this order. However, they are not required to register as retailers, "wholesalers", or "primary distributors".

(b) All points so received by Army exchanges, post exchanges, ships' service departments ashore, sales commissaries, commissary stores, or any other activity of the Army, Navy, Marine Corps or Coast Guard or by the Food Distribution Administration must be deposited in the ration bank accounts maintained for them. These points may then be used to acquire other foods covered by this order.

SEC. 22.5 *Veterans' Administration may apply for certificates to acquire foods.* (a) The Veterans' Administration may apply to any district or State office, or to the Washington Office, for certificates to acquire foods covered by this order. Upon such application, one or more certificates will be issued to permit the acquisition of the amount of foods needed.

SEC. 22.6 *Industrial users may replenish foods used in products transferred to exempt agencies.* (a) Any "industrial user" who transfers to any exempt agency any products which he manufactured after March 28, 1943, in the manufacture of which he used foods covered by this order, may apply to and obtain from his board a "certificate" equal in point value to the foods used by him in such products. The application shall be made on OPA Form R–315, and shall set forth the nature and amount of the products, the time when the products were manufactured, the date when such products were transferred and the amount of foods covered by this order he used in such products. The application shall be accompanied by such evidence of transfer to the exempt agency as the board may require. If a certificate is issued under this section, the industrial user's allotment for the allotment period in which it is issued shall be considered increased by the amount of the certificate.

SEC. 22.7 *Ships' stores for ocean-going vessels*—(a) *The owner of the vessel must get a statement from the collector of customs.* Any person who operates an ocean-going vessel engaged in the transportation of cargo or passengers in foreign, coastwise, or intercoastal trade, and who needs foods covered by this order as ships' stores, must get a statement signed by the Collector of Customs (or his deputy) authorizing the operator of the vessel (or his agent) to acquire a specified amount of such foods as ships' stores.

(b) *Acquisition of the foods covered by this order by the owner of the vessel.* The operator of the vessel (or his agent) may, without giving up points, acquire foods covered by this order up to the amount shown on the Cutsoms Collector's statement, by giving the statement to the person from whom he acquired the foods.

(c) *Transfer of foods covered by this order to the owner of the vessel.* In exchange for the Customs Collector's statement, any retailer, wholesaler, primary distributor may, without getting points, transfer foods covered by this order to the operator of the vessel (or his agent) up to the amount specified on the statement. A retailer or wholesaler may then exchange the Customs Collector's statement for a certificate, at his board. He must attach to the statement a signed receipt, invoice, or other evidence to prove the transfer of the foods. If the board is satisfied that the foods were transferred as ships' stores, it shall issue a certificate to the retailer or wholesaler for the number of points needed to replace the foods transferred. A primary distributor must send the Customs Collector's statement and the attached receipt or other evidence to the board or district office to which he reports, along with his report (on OPA Form R–1606 or OPA Form R–1609) for the reporting period in which he made the transfer.

SEC. 22.8 *Governmental investigatory agencies may acquire foods needed in their investigations.* (a) An investigatory agency of the United States or of any State or local government which needs foods covered by this order in order to perform its inspections or investigations, may apply for points to acquire them. The application must be in writing, on an official letterhead of the agency (if any is available), and must state the name of the agency, the purpose for which points are needed, the period during which they are needed, and the number of points required. An agency of the United States may make its application to the Washington Office, or to any district or State office. An agency of a State or local government shall apply to the district office (or, where there is none, to the State office). If the district, State, or Washington office finds that points are needed in order to carry on the investigatory activities of the agency, it shall issue one or more certificates for the number of points required.

(b) The Food and Drug Administration of the Federal Security Agency (which is hereby designated an exempt agency for this purpose) may open one or more exempt ration bank accounts of the type described in General Ration Order 3B. However, it may issue ration checks against those accounts only to acquire foods covered by this Order which are needed for inspection or investigation.

(c) Any government agency which acquires foods covered by this order under this section may, after they have served the purpose for which they were acquired, dispose of them to any federal, state or local governmental institution without receiving points for them. The institution which receives the foods shall report in writing the amount received

and the date on which they were received to the board with which it is registered under General Ration Order 5, or, if it is not registered, to the board for the area in which it is located. Its allotment shall not be regarded as increased by such acquisition, and the foods so acquired shall be treated as excess inventory.

Article XXIII—Suspension Orders

SECTION 23.1 *Office of Price Administration may issue suspension orders.* (a) Any "person" who violates this order may, by administrative suspension order, be prohibited from receiving any "transfer" or delivery of, or from selling or using or otherwise disposing of, any "foods covered by this order" or other rationed product or facility. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest and to promote the national security.

Article XXIV—Definitions

SECTION 24.1 *Definitions.* (a) When used in this order:

"Acquire" means to accept a "transfer" or to get possession or title in any other way.

"Board" means a war price and rationing board established by the Office of Price Administration.

"Butter" means "edible fat" extracted from cow's milk, cream, or whey, or such fat mixed with any cheeses, if the cheese is less than twenty-five per cent by weight of the mixture. It includes any substance the manufacture of which is taxable as the manufacture of adulterated or renovated butter as defined by section 1, Act of August 2, 1886 (24 Stat. 209), as amended by section 4, Act of May 9, 1902 (32 Stat. 194).

"Canned fish" means any of the following items, if packed in hermetically-sealed containers; edible fish or shellfish, or any edible part of either of them; fish roe, including caviar; any other edible product containing more than twenty per cent by weight of these items.

"Certificate" means a certificate on OPA Form R-1201.

"Cheddar cheese" (frequently called American cheese) means cheddar cheese as defined in "Standards of Identity for Cheddar Cheese, Cheese, Washed Curd Cheese, Colby Cheese" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of January 9, 1941 (6 F.R. 195).

"Consumer" means any person who "acquires" "foods covered by this order" for personal use, or for use at a table at which he eats.

"Cooking or salad oil" means a "rationed fat or oil," liquid at seventy degrees Fahrenheit, composed only of unhydrogenated vegetable "fats and oils", and to which no stearin has been added.

"Cottage cheese" (and "creamed cottage cheese") has the meaning assigned in "Cream Cheese, Neufchatel Cheese, Cottage Cheese, and Creamed Cottage Cheese: Definitions and Standards of Identity," promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of December 23, 1942 (7 F.R. 10759, §§ 19.525 and 19.530).

"Cream cheese" (and "Neufchatel cheese") has the meaning assigned in "Cream Cheese, Neufchatel Cheese, Cottage Cheese, and Creamed Cottage Cheese: Definitions and Standards of Identity," promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of December 23, 1942 (7 F.R. 10758, § 19.515, and 7 F.R. 10759, § 19.520).

"District office" means a district office established by the Office of Price Administration or, where there is none for a particular area, the State office having jurisdiction over that area.

"Family unit" has the meaning given to that term in section 1.3 of General Ration Order 6.

"Fat" (or "oil") means glycerides of the higher fatty acids.

"Foods covered by this order" (or "foods" where the context indicates) means "meat," "canned fish," "rationed cheeses" or "rationed fats or oils." It does not include any item which is a processed food covered by Ration Order 13, or which is a pharmaceutical product, and no such item is included in any of the above terms even if it comes within the definition of that term.

"Industrial consumer" means any "person" who engages in "industrial consumption."

"Industrial consumption" means the use (other than a use for experimental purposes) of a "food covered by this order" in the production or manufacture of any product which is neither a food covered by this order, nor any other food for human consumption, nor a pharmaceutical to be taken internally by humans or animals.

"Industrial use" means any use of "foods covered by this order" in producing or manufacturing, for sale or "transfer," a food for human consumption, which is not covered by this order, or a pharmaceutical to be taken internally by humans or animals, or for experimental purposes.

"Industrial user" means any "person" who has an "industrial user establishment."

"Industrial user establishment" means any place where a "person" makes an "industrial use" (of a "food covered by this order").

"Institutional user" means any person who has an "institutional user establishment."

"Institutional user establishment" means an institutional user establishment as defined in General Ration Order No. 5. (With certain exceptions, it means any place where a "person" uses a rationed food in the preparation of food which he serves to "consumers" or in the service of food to consumers.)

"Lard" means a "rationed fat" containing no "fat" other than the fat extracted from any part of the carcass of a swine, and not including any form of "margarine."

"Margarine" means any substance the manufacture of which is taxable as oleomargarine, under and as defined in section 2, Act of August 2, 1886 (24 Stat. 210), as amended by section 1, Act of July 10, 1930 (46 Stat. 1022).

"Meat" means the carcass or any edible part of the carcass of cattle, calves, sheep, lambs or swine, including edible offal, bones and skins. It includes any other edible product containing more than twenty per cent, by weight, of the above items.

"Person" means not only an individual, but also a partnership, corporation, association or business trust. It includes a government, government agency and any other organized group or enterprise.

"Primary distributor" means any "person" who has a "primary distributor establishment."

"Primary distributor establishment" has the meaning given to that term in sections 4.3 to 4.10, inclusive.

"Rationed cheeses" means all cheeses of any kind, variety or description (but not including "cream" or "cottage" cheeses) and any other edible product containing thirty per cent or more, by weight, of such cheeses (other than cream or cottage cheeses). The term "rationed cheeses" does not, however, include the items listed in an Appendix which will be issued as an amendment to this order.

"Rationed fats or oils" (or "rationed fats") means any of the following substances, whether or not water, coloring matter, vitamins, or a preservative or flavoring agent has been added to it, and even if it has been bleached, hydrogenated, winterized, or deodorized:

(1) Any edible "fat" extracted from cows' milk, cream, or whey;

(2) Any edible fat extracted from the carcasses of cattle, sheep, calves, lambs, or swine;

(3) Any fat extracted from cottonseed, corn germs, peanuts or soy beans, and "refined";

(4) "Margarine";

(5) Any fat extracted from fish, marine mammals or flaxseed, and refined and deodorized, but not including any which is refined and deodorized in the process of producing an inedible product and used therefor;

(6) Any edible substance which is composed of a mixture of any of the above, or of a mixture of any of the above with any other fat;

(7) "Butter".

However, "rationed fats or oils" does not include mayonnaise, salad dressing, USP vitamin oils, fish liver oil, sperm oil, or fat resulting from cooking done by a "consumer" or "institutional user."

"Refine" means to improve the edible qualities or characteristics.

"Retail establishment" means any place where a "person" who deals in foods covered by this order regularly keeps stocks of those foods for sale or "transfer" (other than as a "primary distributor"), if more than fifty per cent of those stocks are sold or transferred from there directly to "consumers". Even if the amount sold or transferred from there directly to consumers is fifty per cent or less, it is still a retail establishment in the following case:

(1) If some of those stocks are transferred directly to consumers; and

(2) If he keeps the rest of the stocks there just to supply his own establishments of any type; and

(3) If no "wholesale establishment" and not more than three retail establishments are supplied from there.

"Retailer" means any "person" who has a "retail establishment."

"Shortening" means any "rationed fat or oil" other than "butter," "lard," "margarine" or "cooking or salad oil."

"Stamp" means a red stamp in, or taken from, a War Ration Book Two.

"Transfer" means to sell, give, exchange, lend, deliver, or consign. It includes any transfer of possession or title, however accomplished, and any movement of goods from one establishment to another. The use by any "person" of foods covered by this order which he holds for sale or transfer is considered a transfer of those foods to himself. However, delivery to a carrier for shipment is not regarded as a transfer to the carrier; and delivery by the carrier to the consignee is not regarded as a transfer by the carrier.

"Washington office" means the national headquarters of the Office of Price Administration, in Washington, D. C.

"Wholesale establishment" means any place where a "person" who deals in "foods covered by this order" keeps stocks of those foods for sale or transfer (other than as a "primary distributor"), if fifty per cent or more of those stocks are transferred from there directly to persons other than "consumers." However, if he keeps the stocks which are not transferred to consumers, just to supply his own establishments, it is a wholesale establishment only if it supplies:

(1) At least one of his wholesale establishments; or

(2) At least four of his "retail establishments."

"Wholesaler" means any "person" who has a "wholesale establishment."

"Weight" means pounds or equivalent fluid volume units.

Effective Date

This ration order shall become effective at 12:01 a. m. on March 29, 1943.

Issued this 20th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4423; Filed, March 22, 1943; 12:12 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 5]

RATIONED FATS OR OILS

Preamble: While rationing of fats and oils is to begin on March 29th, all available evidences indicate that stocks on retailers shelves have become dangerously scarce.

It is essential that some stocks be available to meet the initial demands under rationing. It is also essential, in view of the scarcity, to make certain that the stocks which are available are not swept up by a few consumers at the expense of the others. Those stocks must be conserved until their orderly and equitable distribution begins on March 29th.

For this reason, this order prohibits the sales to consumers, during the week preceding rationing, of fats and oils. This will avoid inequities resulting from last minute hoarding and will help promote fair distribution when rationing begins.

§ 1407.5001 *Restriction on transfer of rationed fats or oils.* Under the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 7, 1942; Directive No. 1 and Supplementary Directive No. 1-M of the War Production Board, issued on January 24, 1942, and September 12, 1942, respectively; Executive Order No. 9280, issued by the President on December 5, 1942; and Food Directives No. 1, No. 3, No. 5, No. 6, and No. 7 issued by the Secretary of Agriculture, Restriction Order 5 (Rationed Fats or Oils), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1407.5001, issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507, and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-M, 7 F.R. 7234; Food Dir. 1, 8 F.R. 827, Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2257; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471.

SECTION 1 *Transfers of rationed fats or oils are prohibited*—(a) *When and to whom the order applies.* During the period beginning at 12:01 a. m. on March 22, 1943, and ending at 12:01 a. m. on March 29, 1943, no "person" may "transfer" "rationed fats or oils" to a "consumer," and no consumer may "acquire" rationed fats or oils from any other person. However, a consumer may borrow them from, and return them to, another consumer, and may acquire them from another consumer for consumption at a common table with him.

(b) *Where the order applies.* This order applies only in the 48 States of the United States and the District of Columbia.

SEC. 2 *The Director of the Food Rationing Division may make exceptions.* (a) The Director of the Food Rationing Division, Office of Price Administration, Washington, D. C., may grant exceptions to this order.

(b) Any person who desires an exception to this order may apply in writing to the Director of the Food Rationing Division, Office of Price Administration, Washington, D. C., in any convenient form, stating the reasons he needs an exception. In case of an emergency the application may be made and granted by telephone.

SEC. 3. *Office of Price Administration may issue suspension orders.* Any person who violates this order may, by administrative suspension order, be prohibited from receiving any transfer or delivery of, or from selling or using or otherwise disposing of, any rationed fats or oils or other rationed product or facility. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, if necessary or appropriate in the public interest and to promote the national security.

SEC. 4. *Definitions.* When used in this order:

(1) "Acquire" means to accept a transfer or to get possession or title in any other way.

(2) "Butter" means edible fat extracted from cow's milk, cream, or whey, or such fat mixed with any cheeses, if the cheese is less than twenty-five per cent by weight of the mixture. It includes any substance the manufacture of which is taxable as the manufacture of adulterated or renovated butter as defined by section 1, Act of August 2, 1886 (24 Stat. 209), as amended by section 4, Act of May 9, 1902 (32 Stat. 194).

(3) "Consumer" means any person who acquires rationed fats or oils for personal use, or for use at a table at which he eats.

(4) "Cooking or salad oil" means a rationed fat or oil, liquid at seventy degrees Fahrenheit, composed only of unhydrogenated vegetable fats or oils, and to which no stearin has been added.

(5) "Fat" (or "oil") means glycerides of the higher fatty acids.

(6) "Lard" means a rationed fat containing no fat other than the fat extracted from any part of the carcass of a swine, and not including any form of margarine.

(7) "Margarine" means any substance the manufacture of which is taxable as oleomargarine, under and as defined in section 2, act of August 2, 1886 (24 Stat. 210), as amended by section 1, Act of July 10, 1930 (46 Stat. 1022).

(8) "Persons" means not only an individual, but also a partnership, corporation, association or business trust. It includes a government, government agency and any other organized group or enterprise.

(9) "Rationed fats or oils" means any of the following substances, whether or not water, coloring matter, vitamins, or a preservative or flavoring agent has been added to it, and even if it has been bleached, hydrogenated, winterized, or deodorized:

(i) Any edible fat extracted from cows' milk, cream, or whey;

(ii) Any edible fat extracted from the carcasses of cattle, sheep, calves, lambs, or swine;

(iii) Any fat extracted from cotton seed, corn germs, peanuts or soy beans, and refined;

(iv) Margarine;

(v) Any fat extracted from fish, marine mammals or flaxseed, and refined and deodorized, but not including any which is refined and deodorized in the process of producing an inedible product and used therefor;

(vi) Any edible substance which is composed of a mixture of any of the above, or of a mixture of any of the above with any other fat;

(vii) Butter.

The term "rationed fats or oils" includes, without being limited to, "cooking or salad oils" and "shortening", as well as butter, margarine, and lard. However, it does not include mayonnaise, salad dressing, USP vitamin oils, fish liver oil, sperm oil and fats resulting from cooking done by consumers and "institutional users" (as defined in General Ration Order 5).

(10) "Shortening" means any rationed fat or oil other than butter, lard, margarine or cooking or salad oil.

(11) "Transfer" means to sell, give, exchange, lend, deliver, or consign. It includes any transfer of possession or title, however accomplished, and any movement of goods from one establishment to another. The use by any person of foods covered by this order which he holds for sale or transfer is considered a transfer of those foods to himself. However, delivery to a carrier for shipment is not regarded as a transfer to the carrier; and delivery by the carrier to the consignee is not regarded as a transfer by the carrier.

This restriction order shall become effective at 12:01 a. m. on March 22, 1943.

Issued this 21st day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 4^-4424; Filed, March 22, 1943; 12:14 p. m.]

PART 1305—ADMINISTRATION

[Gen. Ration Order 5, Amendment 6]

FOOD RATIONING FOR INSTITUTIONAL USERS

Correction

In the document appearing on page 3216 of the issue for Tuesday, March 16, 1943, the second word of the seventh line of section 27.1 should be "feed" instead of "food."

PART 1384—HARDWOOD LUMBER PRODUCTS

[MPR 338]

AIRCRAFT VENEER

Correction

In Table 4 of § 1384.162 (b) appearing on page 2929 of the issue for Wednesday, March 10, 1943, the repetition of footnote 1 and the footnote reference opposite Thickness .071 should be deleted.

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 346]

CORN

Correction

The authority for § 1439.352 of the document appearing on page 3180 of the issue for Tuesday, March 16, 1943, should precede the title of the order on page 3181 and should read as follows:

AUTHORITY: § 1439.352 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

The paragraph of Section 9 on page 3182 with the heading "Area V" should be designated (e).

PART 1499—COMMODITIES AND SERVICES

[Amendment 133 to Supp. Reg. 14 of GMPR]

FLUID MILK IN DALLAS REGIONAL AREA

Correction

In the Appendix of the document appearing on page 3187 of the issue for Tuesday, March 16, 1943, under the main heading "Missouri" the heading "Areas 2" should be inserted immediately above the item "All Other Communities in the following Counties except those listed above in Areas A, 1a, 1, or 2a:". The heading "Areas 3" should be inserted immediately above the item reading "All Other Communities in Missouri except those listed individually or by counties in areas A, 1a, 1, 2a, or 2 above." On page 3188 the heading "Oklahoma" should precede "Areas 1a" and "Texas" should precede "Areas A." "Texas—Continued" should be the heading for the second, third and fourth columns of areas. In the fourth column the item "Frie" should be "Frio."

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5C[1], Amendment 37]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.7651 is amended by inserting after the phrase "to July 21, 1943," the parenthetical phrase "(to November 21, 1943 with respect to passenger automobiles in the gasoline shortage area)".

2. Section 1394.7652 is amended to read as follows:

§ 1394.7652 *Basic ration books.* Class A coupon books, and Class D coupon books marked "Basic," shall be issued as basic rations. Class A books shall be issued for passenger automobiles and Class D books for motorcycles. Subject to the provisions of § 1394.7653 (d) each Class A and Class D ration book shall contain thirty-two (32) coupons. Each coupon contained in a basic ration book shall have a value of one unit. Coupons contained in Class A books shall be valid for the transfer of gasoline to a consumer only during the periods indicated below.

Coupons numbered:	*Valid period*
3	November 22, 1942, to January 21, 1943, inclusive.
4	January 22, 1943, to March 21, 1943, inclusive.
5	March 22, 1943, to May 21, 1943, inclusive outside the gasoline shortage area, and from March 22, 1943 to July 21, 1943 in the gasoline shortage area.
6	May 22, 1943, to July 21, 1943, inclusive outside the gasoline shortage area, and from July 22, 1943 to November 21, 1943 in the gasoline shortage area.

Coupons in basic Class D books shall be valid for the transfer of gasoline to a consumer at any time prior to July 22, 1943.

3. Section 1394.7653 (d) is amended by deleting the period after the phrase "during which such book is issued" and adding the phrase "except that after March 22, 1943 in the gasoline shortage area the board shall remove all expired coupons and one currently valid coupon for each full sixteen days which have elapsed in the 'valid period' during which such book is issued."

4. Section 1394.7653 (f) is amended to read as follows:

(f) No more than one basic ration may be issued for a vehicle, except as provided in §§ 1394.8007 and 1394.8103, and no person shall be entitled to more than one basic ration for the same vehicle, during the period from July 22, 1942, to July 21, 1943: *Provided,* That any person may apply for reissuance of a basic ration in any of the following cases:

(1) If he has surrendered a basic ration to a board by reason of having ceased to use the motor vehicle for which the ration was issued;

(2) If he has surrendered a basic ration to a board by reason of having removed such motor vehicle from the limitation area prior to November 22, 1942;

(3) If he has brought such motor vehicle into the gasoline shortage area after May 21, 1943, with the intention of keeping the vehicle in that area at least until November 21, 1943. In such event the applicant, at the time of application, shall surrender to the board the basic ration originally issued to him.

Application for reissuance shall be made on part A of Form OPA R–534, and the applicant shall attach thereto a certification in which he shall set forth the date and place of issuance of the ration surrendered, together with the date and place of surrender thereof, the reason therefor, and the number of unused coupons remaining in the book at the time of surrender. In the event that the board is satisfied that the applicant surrendered such a ration in good faith the

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1348, 1588, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3201, 3253, 3255, 3254, 3315.

board shall issue a basic ration book to the applicant pursuant to the provisions of § 1394.7653: *Provided,* That no coupon book reissued for the reasons specified in items (1) or (2) of this paragraph shall contain coupons in excess of the number of coupons contained in the coupon book surrendered, and no coupon book issued for the reason specified in item (3) shall contain coupons in excess of the number prescribed in paragraph (d) of this section.

5. In § 1394.7701 (b) the first sentence is amended to read as follows:

When issued as a supplemental ration, Class B books issued outside the gasoline shortage area shall contain sixteen (16) coupons, and Class B books issued in the gasoline shortage area and Class C and D books shall contain the number of coupons specified in the tables set forth in § 1394.7705, necessary to provide the mileage allowed by the board.

6. Section 1394.7701 (d) is amended to read as follows:

(d) Applicants for supplemental rations in the gasoline shortage area are deemed to have no mileage available for occupational driving by reason of the basic ration to which they are entitled.

7. Section 1394.7704 (b) is amended by substituting the figures "360" for the figures "378" in the proviso.

8. Section 1394.7704 (d) is amended by inserting after the words "it allows for a passenger automobile" the words "outside the gasoline shortage area" and by deleting the parenthetical phrase "(or in the gasoline shortage area, 90 miles per month)."

9. Section 1394.7705 (a) (2) (i) is amended to read as follows:

(i) In the event that the mileage allowed by the board is 360 miles per month or less one or two class B books bearing expiration dates four months from the date of issuance and containing the number of coupons specified in Table IA for the mileage allowed.

10. Section 1394.7705 (a) (2) (ii) is amended by substituting the figures "360" for the figures "378".

11. In Section 1394.7705 (a) (3) Tables IA and IIA are amended as hereinafter set forth:

TABLE IA—*Determination of duration and amount of supplemental ration in gasoline shortage area*

[For passenger automobiles with an allowed mileage of 360 miles per month or less]

PASSENGER AUTOMOBILES

Allowed mileage:	*Number of coupons to be issued in "B" book or books*
1–22	2
23–45	4
46–67	6
68–90	8
91–112	10
113–135	12
136–157	14
158–180	16
181–202	18
203–225	20
226–247	22
248–270	24
271–292	26
293–315	28
316–337	30
338–360	32

TABLE IIA—*Determination of amount of supplemental ration in the gasoline shortage area*

[For passenger automobiles with an allowed mileage of more than 360 miles per month]

PASSENGER AUTOMOBILES

Allowed mileage (all in excess of 360 miles per month must be preferred mileage):	*Number of coupons in class "C" book*
361–390	26
391–420	28
421–450	30
451–480	32
481–510	34
511–540	36
541–570	38
571–600	40
601–630	42
631–660	44
661–690	46
691–720	48
721–750	50
751–780	52
781–810	54
811–840	56
841–870	58
871–900	60
901–930	62
931–960	64

(In the event allowed mileage exceeds 960 miles per month, one additional coupon shall be issued for each 15 miles or fraction thereof.)

12. Section 1394.7705 (b) is amended to read as follows:

(b) The board shall remove and cancel all coupons in Class B books in the gasoline shortage area and in Class C or Class D books in excess of the number to be issued hereunder.

13. Section 1394.7707 (a) is amended by substituting the figures "360" for the figures "378."

14. In § 1394.7751 (b) the first sentence is amended to read as follows:

(b) When issued as an official or fleet ration Class B books outside of the gasoline shortage area shall contain sixteen (16) coupons, and Class B books in the gasoline shortage area and Class C and D books shall contain the number of coupons specified in the tables set forth in §§ 1394.7705 and 1394.7755 (according to the type of book and the area in which it is issued), necessary to provide the mileage allowed by the board.

15. Section 1394.7754 (b) is amended by substituting the figures "360" for the figures "378" in the two places where such figures appear.

16. Section 1394.7755 (a) (2) (i) and (ii) are amended to read as follows:

(i) In the event that the mileage allowed by the board is 360 miles per month or less: one or two Class B books bearing expiration dates four months from the date of issuance and containing the number of coupons specified in Table IA in § 1394.7705 (a) (3) for the mileage allowed.

17. Section 1394.7755 (b) is amended by inserting after the words "and cancel all coupons" the words "in Class B books in the gasoline shortage area and".

18. Section 1394.8051 (e) is amended to read as follows:

(e) In the gasoline shortage area the board, when renewing a supplemental, fleet or official ration or a ration issued pursuant to the provisions of §§ 1394.7757 or 1394.7758 may issue a ration to provide mileage not in excess of the following amounts:

(1) If such ration was first issued before December 21, 1942 and no adjustment has been made to compensate for mileage lost by reason of the reduction in unit value of Class B or Class C coupons, the board may not allow more than 75% of the mileage allowed in the first issuance of such ration.

(2) If such ration was first issued after December 21, 1942, or since then has been adjusted to compensate for mileage lost by reason of the reduction in unit value of Class B or Class C coupons, the board may not allow more mileage than the mileage allowed in the original or adjusted ration.

19. Section 1394.8051 (f) is amended by deleting the comma after the words "in excess of the amounts" and the phrase "or having a shorter valid period, than that."

20. Section 1394.8052 (a) is amended by inserting after the phrase "miscalculation of needs" the phrase "extension of the period of validity of Class A coupons in the gasoline shortage area".

21. Section 1394.8052 (c) is amended by inserting after the phrase "in the unit value of Class A coupons" in the last sentence of the paragraph the phrase "or of the extension of the period of validity of Class A coupons in the gasoline shortage area."

22. Section 1394.8053 (b) (1) is amended by substituting the figures "360" for the figures "378".

23. In § 1394.8102 (a) the first sentence is amended to read as follows:

All Class A coupons and coupons in basic Class D books shall expire at the end of the respective valid periods provided in § 1394.7652.

24. In § 1394.8161, paragraphs (d) and (e) are revoked.

25. Section 1394.8351 (b) is amended by inserting in the proviso after the phrase "and all amendments thereto" the phrase "and the provisions of § 1394.8161 (d) and (e) of Ration Order No. 5C" and by substituting for the word "thereof" in the proviso the phrase "of Ration Order No. 5A and all amendments thereto" and by deleting the final period of the paragraph and adding the phrase "or under or pursuant to the provisions of § 1394.8161 (d) and (e) of Ration Order No. 5C prior to March 22, 1943."

This amendment shall become effective March 22, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719).

Issued this 20th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4354; Filed, March 20, 1943; 4:34 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 349]

DISTRIBUTORS' MAXIMUM PRICES FOR CERTAIN COARSE PAPER PRODUCTS

In the judgment of the Price Administrator it is necessary and proper to

establish maximum distributors' prices for certain coarse paper products by a separate maximum price regulation. The Price Administrator has ascertained and given due consideration to distributors' prices for certain coarse paper products prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he determined and deemed to be of general applicability. So far as practical, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1347.701. *Distributors' maximum prices for certain coarse paper products.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 349 (Distributors' Maximum Prices for Certain Coarse Paper Products), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1347.701 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

MAXIMUM PRICE REGULATION NO. 349—DISTRIBUTORS' MAXIMUM PRICES FOR CERTAIN COARSE PAPER PRODUCTS

CONTENTS

SECTION 1 *Prohibition against sales of certain coarse paper commodities above maximum prices.* On and after May 21, 1943, or earlier at the option of the distributor, regardless of any contract, agreement, lease or other obligation:

(a) No distributor shall sell, deliver or transfer any of the commodities listed in paragraph (c) of this section, and no distributor shall sell or supply any services in connection with the sale of such commodities, and no person in the course of trade or business shall buy or receive such commodities or services at prices higher than those set forth in Appendix A of this Maximum Price Regulation No. 349.

(b) No person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided*, That the provisions of this section shall not be applicable to sales or deliveries of the commodities listed in paragraph (c) of this section to a purchaser, if prior to May 21, 1943 such commodities had been received by a carrier other than a carrier owned or controlled by the seller for shipment to such purchaser.

(c) The maximum distributors' prices set forth in this regulation shall be applied to all sales of the following coarse paper products: (The pricing unit is set forth beside each product)

Commodities	*Pricing unit*
Adding machine paper	Case or carton.
Bags—all kinds (except those covered by Maximum Price Regulation No. 182).	M.
Beaming paper	Cwt.
Blasting paper	Cwt.
Boxes:	
Folding set-up, Corrugated, Solid fibre	M.
Cake circles	M.
Cartridge manila paper	Cwt.
Cones and cores—paper and paperboard.	M.
Corrugated paper and board.	Roll. 100 sh.
Crepe paper	Dozen packages.
[1] Cups, drinking, food, ice cream.	M or case.
[1] souffle	M.
[1] baking	M.
Cutter box rolls	Case or carton.
Doilies	Gross.
Egg cartons	M.
Egg case fillers and flats	M.
Egg trays	M.
Facial tissues	Case or Carton.
Flat drinking cups	Case.
[1] Food dishes or trays	M.
[1] Forks	M.
Gummed tape—all kinds except transparent cellulose acetate.	Bundle.
Milk bottles	Case.
Milk bottle caps	M.
Napkins	Case.
Pails:	
Oyster	Bale.
Food	Bale.
Ice cream	Bale.
Paperboard clothes hangers.	M.
Paperboard:	
Single faced corrugated in rolls or sheets, and double faced corrugated in sheets.	1,000 sq. ft.
Tube and can stock	Cwt.
Single manila lined chip.	Cwt.
Bleached manila lined chip.	Cwt.
Semi bending and creasing chip.	Cwt.
Full bending chip	Cwt.
Solid bleached	Cwt.
Bleached lined solid manila.	Cwt.
Double bleached lined solid manila.	Cwt.
Solid manila	Cwt.
Solid woodpulp	Cwt.
Pattern papers — all kinds.	Cwt.
[1] Plates	Carton or bundle.
Register rolls	Case.
Round paper cans (other than liquid tight container).	M.
Sanitary closures	M.
Shirtboards	M.
Shredded papers	Cwt.
Spinning papers	Cwt.
[1] Spoons	M.
[1] Straws — drinking and soda.	Case or carton.
Table cloths	Roll.
Teletype rolls	100 rolls.
Toilet seat covers	M.
Tubes—paper and paperboard.	M.
Twisting papers	Cwt.
Twisting tissues	Ream.
Wrapping, packaging, and insulating papers regardless of fibre content, finish or treatment including, but not limited to the following grades:	Cwt.
Miscellaneous waxed sulphite and sulphate grades covered in Appendix G of Maximum Price Regulation No. 307.	Cwt.
Sulphite	Cwt.
Sulphate	Cwt.
Groundwood other than newsprint.	Cwt.
Parchment—	
Unprinted	Cwt.
Printed	M.
Treated butchers	Cwt.
Colored and decorated.	Cwt.
Drug bond	Cwt.
Bogus	Cwt.
[1] Tissue—Rolls	Cwt.
Sheets	Reams.
Parchment	Cwt.
Greaseproof and glassine.	Cwt.
Grades used for agricultural packaging, protection and processing are excluded from this regulation. Also excluded are made to order special design printed and/or embossed papers made exclusively for a particular consumer and customarily ordered in quantities of not less than five tons.	

(As used above "M" means thousand and "cwt." means hundredweight and a case means a carton or a bundle.)

(d) All items for which maximum prices have been established for distributors by Maximum Price Regulations Nos. 130, 140, 182, 266 and Appendices A to F, inclusive, of 307 are excluded herefrom.

SEC. 2 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 349 may be charged, demanded, paid or offered.

SEC. 3 *Export sales.* The maximum prices at which a person may export

*Copies may be obtained from the Office of Price Administration.

[1] When sold in resale packages, the pricing unit may be case or carton or gross.

coarse paper products covered by this Maximum Price Regulation No. 349 shall be determined in accordance with the provisions of the Revised Maximum Export Regulation issued by the Office of Price Administration.

SEC. 4 *Federal and State taxes.* Any tax upon, or incident to, the sale or delivery of the coarse paper products covered by this Maximum Price Regulation No. 349, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto: If the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased: *Provided, however,* That the tax on the transportation of all property (excepting coal) imposed by Section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any product covered by this Maximum Price Regulation No. 349 be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated as a tax for which a charge may be made in addition to the maximum price.

SEC. 5 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery.

SEC. 6 *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after May 20, 1943, and the transferee carries on the business, or continues to deal in the same type of commodities or services in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records in accordance with sec. 11 shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this Maximum Price Regulation No. 349.

SEC. 7 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 349 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration.

[1] 7 F.R. 8961.

SEC. 8 *Discounts and allowances.* Every distributor shall continue to grant to persons buying coarse paper products covered by this regulation, differentials, discounts, and allowances (excluding those given for quantities) not less favorable to the purchaser than those generally in effect during March, 1942 for a sale of such coarse paper products by a distributor to a purchaser of the same class.

SEC. 9 *Evasion.* Price limitations set forth in this Maximum Price Regulation No. 349 shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to certain coarse paper products, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other trade understanding, or by modifying, discontinuing or altering any customary trade practice of the seller, or by increasing terms for the extension of credit, or by splitting orders, or by reducing the size of the sale, or by refusing to accept a large order, or by any other means.

SEC. 10 *Enforcement.* Persons violating any provision of this Maximum Price Regulation No. 349 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

SEC. 11 *Records and reports.* (a) Every person making sales of certain coarse paper products covered by this Maximum Price Regulation No. 349 after May 20, 1943, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, accurate records of each sale, showing the date thereof, the name and address of the buyer, the price contracted for or received and the quantity of each type and grade of such certain coarse paper products sold.

(b) Such persons shall submit such reports to the Office of Price Administration and shall keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

SEC. 12 *Licensing.* The provisions of Supplementary Order No. 19,[2] licensing distributors of paper and paper products, are applicable to every distributor selling any of the commodities for which maximum prices are now or hereafter established by this Maximum Price Regulation No. 349. For the purposes of such licensing, the term "distributor" shall have the meaning given to it by Supplementary Order No. 19.

SEC. 13 *Definitions.* (a) When used in this Maximum Price Regulation No. 349, the terms:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing.

(2) "Records" includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading and other documents, letters and correspondence.

(3) "Sell" includes sell, supply, dispose, barter, exchange, lease and transfer, and contract and offers to do any of the foregoing. The terms "sales", "sold", "seller", "buy", "purchases" and "purchaser" shall be construed accordingly, except that nothing in this maximum Price Regulation No. 349 shall be construed to prohibit the making of a contract to sell a commodity included in this Maximum Price Regulation No. 349 at a price not to exceed the maximum price at the time of delivery.

(4) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities or services for sales to different purchasers of kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or under different conditions of sale.

(5) "Mark-up" refers to that amount set forth in Appendix A (a), which when added to the manufacturer's maximum price determines the distributor's maximum price.

(6) "Retailer" means any seller, the major portion of whose total sales are to ultimate consumers other than an industrial, commercial or institutional user or government agency.

(7) "Wholesale grocer" means any reseller, excluding a retailer, the major portion of whose total sales are in foodstuffs.

(8) "Wholesale druggist" means any reseller, excluding a retailer, the major portion of whose total sales are in drug products.

(9) "Manufacturer" includes any person who manufactures any of the commodities covered by this Maximum Price Regulation No. 349, and any person who distributes or sells any of these commodities as an agent of a manufacturer.

(10) "Distributor" includes any person, other than a wholesale grocer or wholesale druggist or retailer, who buys and resells any of the commodities covered by this Maximum Price Regulation No. 349.

(11) "Agent-distributor" includes any person who, although taking title to the merchandise which he resells and, invoicing it in his own name, conforms to the manufacturer's prices to distributors for the class of commodity which the agent-distributor sells. A seller becomes an agent-distributor only in the case of transactions on which he is authorized by agreement with his supplying manufacturer to act in accordance with the procedure set forth above in this paragraph.

[2] 7 F.R. 7434, 8996, 11007.

(12) "Pricing unit" is that quantity of any one class of commodity covered by this Maximum Price Regulation No. 349, i. e., hundredweight, ton, case, bundle, bale, ream, roll, box, hundred, thousand, gross or package, etc., as set forth in section 1 (c).

(13) "Converting" means changing the form before reselling of any of the commodities covered by this Maximum Price Regulation No. 349 by a distributor who purchases such commodities for resale. Such converting may take the form of slitting, sheeting, trimming, rewinding, repackaging, die cutting, slotting, creasing, punching, etc.

(14) "Class" of commodity includes all variations in grade, size, color, basis weight, packing, etc., of one commodity.

(15) "Amalgamated sale" means a sale of any combination of types of one class of commodity.

(16) "Type" means a size, grade, color or other variant of a class of commodity.

(17) "Manufacturer's maximum price" means the manufacturer's maximum price for any of the commodities covered by this regulation which are now or hereafter established by any Maximum Price Regulation issued by the Office of Price Administration including the General Maximum Price Regulation, and shall include transportation charges (not exceeding carload rate of freight) paid by the distributor less all freight allowances. The difference between carload and l. c. l. charges, if and when paid by the distributor, may be added to the distributor's maximum price.

SEC. 14 *Applicability of the General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 349 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries by distributors of any commodities for which maximum distributors' prices are established by this Maximum Price Regulation No. 349.

SEC. 15 *Applicability of this Maximum Price Regulation No. 349.* The provisions of this Maximum Price Regulation No. 349 shall be applicable to the continental limits of the United States.

Appendix A: Maximum prices for distributors. (a) The maximum price at which a distributor may sell any commodity covered by this regulation shall not exceed the manufacturer's maximum price for such commodity plus the following mark-ups: (Where the manufacturer has different maximum prices for various quantities sold, the distributor shall base his mark-up on the manufacturer's maximum price for the quantity customarily purchased by the distributor in accordance with his March, 1942 practice).

PRICING TABLE

Value brackets—Manufacturers' maximum price per pricing unit	Quantity columns—Number of pricing units							
	1	2 to less than 5	5 to less than 10	10 to less than 25	25 to less than 100	100 to less than 500	500 to less than 1,000	1,000 and over
Less than $2.00	$1.05	$0.90	$0.65	$0.45	$0.40	$0.35	$0.26	[1] $0.22
$2.00 to less than $3.00	1.75	1.25	.85	.70	.65	.50	[1] .44	[1] .38
$3.00 to less than $4.00	2.45	1.50	1.05	.95	.85	.70	[1] .61	(1)
$4.00 to less than $5.00	2.95	1.80	1.35	1.20	1.10	.85	[1] .79	(1)
$5.00 to less than $7.50	3.00	2.05	1.90	1.60	1.25	[1] 1.10	(1)	(1)
$7.50 to less than $10.00	3.70	2.85	2.20	2.15	1.75	[1] 1.50	(1)	(1)
$10.00 to less than $12.50	3.90	3.10	2.80	2.55	2.00	[1] 1.70	(1)	(1)
$12.50 to less than $15.00	4.45	3.80	3.45	3.10	2.40	[1] 2.05	(1)	(1)
$15.00 to less than $20.00	5.70	4.80	4.35	3.95	3.05	[1] 2.60	(1)	(1)
$20.00 and over [2]	27½%	25%	22½%	20%	17½%	12½%	7½%	7½%

[1] Where the total manufacturer's maximum price for a sale of one class of commodity amounts to $2,500 or more, the distributor may in no event add an amount in excess of 7½% of such manufacturer's maximum price.

[2] Where the manufacturer's maximum price per pricing unit is $20.00 or more, the distributor shall determine his maximum price by adding the appropriate and applicable percentage set forth above.

(b) *Unit sales.* Where a sale consists of one type of one class of commodity, the distributor will determine his maximum selling price as follows:

(1) Determine the manufacturer's maximum price for one unit of the type to be priced and the dollar value bracket into which such cost falls in the table set forth in paragraph (a) of this appendix.

(2) Determine the number of these units which comprise a given sale and the quantity column in which such sale falls. The maximum mark-up appears in the appropriate quantity column and value bracket.

(3) Add the mark-up thus determined to the manufacturer's maximum price per unit. *Example:* A distributor sells 1200 pounds of wrapping paper, the manufacturer's maximum price of which is $6.00 a hundredweight. The pricing unit of this commodity is a hundredweight. The cost per unit is between $5.00 and $7.50. Referring to the above table, 12 units of one type costing between $5.00 and $7.50 per unit take a mark-up of $1.60 per unit. By adding $1.60 to $6.00, the maximum selling price of the distributor is $7.60 per hundredweight or $91.20 for the entire sale.

(c) *Amalgamated sales.* Where a sale consists of two or more types of one class of commodity, the distributor will determine his maximum selling price as follows:

(1) Determine the manufacturer's maximum prices for one unit of each type to be priced and the dollar value bracket into which the cost of each type falls in the table set forth in paragraph (a) of this appendix.

(2) Determine the total number of units of all types to be priced and the quantity column in which a sale of that total number of units falls. The maximum mark-ups for each type then appear in the quantity column representing the total number of units and the appropriate value brackets.

(3) Add the mark-ups thus derived to the manufacturer's maximum price per unit of each type. *Example:* A distributor sells an amalgamated order of 8 thousand paper food dishes consisting of 4 thousand 1-pound dishes, 3 thousand 2-pound dishes and 1 thousand 10-pound dishes. The pricing unit of this commodity is a thousand. The manufacturer's maximum prices for each of these three sizes is $1.00, $2.00 and $5.00 per thousand respectively. The cost per unit of the first type falls in the less than $2.00 value bracket. The cost of the second type falls in the $2.00 to less than $3.00 value bracket. The cost of the third type falls in the $5.00 to $7.50 value bracket. Referring to the above table, 8 units of a type costing between $1.00 and $2.00 per unit take a mark-up of $.65 per unit; 8 units of a type costing between $2.00 and $3.00 take a mark-up of $.85 per unit, and 8 units of a type costing between $5.00 and $7.50 take a mark-up of $1.90 per unit. The selling prices for this order are thus derived as follows:

$1.00+ .65¢×4=	$6.60
$2.00+ .85¢×3=	8.55
$5.00+1.90 ×1=	6.90
Total maximum selling price--	$22.05

(d) *Pricing of special commodities.* Where a distributor sells for a new use a commodity covered by this Maximum Price Regulation No. 349 which is essential to the war effort, the cost of development involved in the sale of which exceeds the maximum price permitted by this regulation, he may charge a price not in excess of the maximum price for the commodity set forth in this regulation plus the actual cost of development incurred by him but only until such time as these costs have been fully amortized: *Provided,* That where such prices are in excess of the maximum prices determined by this regulation, such prices must be submitted to the Office of Price Administration for approval at the time of billing. Such requests for approval of special prices must be accompanied by a statement explaining the essentiality of the commodity to the war effort, the name of the consumer, the name of the producer and the producer's maximum price to the distributor, special costs for development incurred and the selling price for which approval is requested. Such prices shall be subject to the adjustment or disapproval by letter of the Office of Price Administration within twenty-one days after filing, or an extension thereof specified by the Office of Price Administration. If no action is taken within such twenty-one days or any extension thereof, the price shall be deemed to be approved. Approval will date back to the date of the sale. Payment shall not be made or received until such approval is granted.

(e) *Sales by distributors who bought from other distributors.* Distributors who purchase any of the commodities covered by this Regulation from other distributors may not charge a price in excess of the maximum price which would be applicable if the purchase had been made directly from the manufacturer.

(f) *Sales by agent-distributors.* Where a contractual agreement between an agent-distributor and a manufacturer provides for a discount from the maximum price at which a manufacturer of the same class of commodity would offer the commodity to other distributors, the maximum price for this agent-distributor in sales to other distributors shall not exceed such manufacturer's maximum price to other distributors. For sales to persons other than distributors the manufacturer's maximum price upon which the distributor's mark-up is based shall be that price at which a manufacturer of the same class of commodity would offer the commodity to other distributors.

(g) *Charges for delivery.* (1) The maximum prices established in this Regulation shall be f. o. b. point of delivery for shipments to points within a free delivery zone or area within which the distributor customarily shipped or would have shipped on such basis during March, 1942.

(2) On sales of less than carload lots to points outside the recognized free delivery zone, the distributor may add the differential which he charged during March, 1942, or, if he made no such sale, which he would have charged on such deliveries to purchasers of the same class, or the actual freight, whichever is lower.

(3) For sales involving shipment from the manufacturer directly to a person purchasing from a distributor, the maximum prices shall be those established in Appendix A of this regulation.

(4) For sales in carload lots involving shipment from the manufacturer to a person purchasing from a distributor where local delivery by the distributor from a warehouse or rail siding is required, there may be added to the maximum price established herein the actual local delivery expense (except that no rail freight shall be included), which in no event shall exceed the applicable local common carrier rate; and such expense shall be separately included in the invoice or other evidence of sale.

(h) *Charges for converting and printing.* Where a distributor buys any of the commodities listed in section 1 (c) of this regulation and changes their form before reselling them by converting or printing (whether such operations are performed by the distributor or performed for the distributor by another person), he may add to his maximum selling price as determined in Appendix A the actual amount for such converting or printing which he customarily charged during March, 1942 to purchasers of the same class. Such additional charges shall not be included in the manufacturer's maximum prices to which these mark-ups are added and such converting or printing charges shall be separately set forth in each invoice or other evidence of sale.

(i) *Charges for less than unit lots.* On sales of less than one unit lots by distributors, a mark-up may be applied which exceeds the mark-up specified in Appendix A of this regulation by an amount not in excess of the differential between the one unit and less than one unit mark-up which was applied to sales of the commodities covered by this regulation made during March, 1942 to purchasers of the same class.

(j) *Charges for cabinets, cutters, dispensers or other fixtures.* Where a distributor supplies cabinets, cutters, dispensers or other fixtures for holding, dispensing or protecting any of the commodities covered by this regulation he may make a charge for such items at a price not exceeding 150% of the cost to him of such items. Such charges must be set forth separately on each invoice or other evidence of sale, and may be amortized over a period of time.

This regulation shall become effective May 21, 1943.

NOTE: All reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4455; Filed, March 22, 1943; 4:45 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 291,[1] Amendment 4]

CERTAIN SYRUPS AND MOLASSES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 291 is amended in the following respects:

1. Section 1351.1352 (d) is added to read as follows:

(d) Where a packer during the year prior to March 1, 1942, customarily paid a premium above the prevailing market price for an item of syrup or molasses which is now subject to this regulation because it had a special quality or flavor or other attribute by reason of a special process in manufacturing such item, he may apply to the Office of Price Administration, Washington, D. C., for an order permitting him to continue to pay his established premium above the maximum prices set forth herein for such item of syrup or molasses: *Provided, however,* That he shall neither increase nor apply for an increase in the maximum prices set forth herein or in any other regulation for such item of syrup or molasses or anything made or manufactured from it, because of paying such premium.

2. In § 1351.1367 (b) (2) the first sentence of this subparagraph is amended to read as follows:

(2) Packers maximum prices at the factory for Louisiana cane syrup packaged in cases for sales to the wholesale and chain store warehouse trade and to commercial, industrial, institutional or governmental users in less than carload lots shall be:

3. In § 1351.1368 (c) (2) the first sentence of the last unlettered paragraph of this subparagraph is amended to read as follows:

(2) All of the above prices in this paragraph (c) shall be for carload lots to the wholesale and chain-store warehouse trade and to commercial, industrial, institutional, or governmental users.

This amendment shall become effective March 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4456; Filed, March 22, 1943; 4:44 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

[MPR 329, Correction to Amendment 1]

PURCHASES OF MILK FROM PRODUCERS FOR RESALE AS FLUID MILK

The title of Maximum Price Regulation 329 was incorrectly printed as "Maximum Prices for Specific Food Products". The title should have read: "Purchases of Milk from Producers for Resale as Fluid Milk".

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4465; Filed, March 22, 1943; 4:45 p. m.]

PART 1367—FERTILIZERS

[Revised MPR 135[1] as Amended March 22, 1943]

MIXED FERTILIZER, SUPERPHOSPHATE AND POTASH

Revised Maximum Price Regulation 135 is amended in the following respects:

Sections 1367.31 and 1367.33 (a), are amended; § 1367.33 (c) is added; § 1367.34 is amended; § 1367.40 (b) (4) is added; § 1367.42 (a) (20) is amended; § 1367.42 (a) (21), (22) and (23) are added; the text of § 1367.44 Appendix A and 1 (f) are amended; §§ 1367.44 2 (e) and 1367.44 3 are added; § 1367.45 Appendix B and § 1367.46 Appendix C 1 (a) and (f) are amended, so that Revised Maximum Price Regulation 135 as amended by Amendment 2 shall read as follows:

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of mixed fertilizer, superphosphate and potash which differ, for certain grades and in certain areas of the country, from those heretofore established by applicable maximum price regulations. All of the grades of mixed fertilizer permitted to be manufactured under War Production Board Conservation Order M-231 as amended are covered by this single maximum price regulation.

The Price Administrator has ascertained and given due consideration to the prices of mixed fertilizer, superphosphate and potash prevailing between October 1 and 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been prepared, issued simultaneously herewith, and has been filed with the Division of the Federal Register.[3] Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1,[3] issued by the Office of Price Administration, Revised Maximum Price Regulation No. 135 is hereby issued.

Sec.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 11002; 8 F.R. 2713, 2714.

[1] 7 F.R. 11075.

[2] Copies may be obtained from the Office of Price Administration. Statements of considerations are also issued simultaneously with issuance of amendments.

[3] 7 F.R. 8961.

Sec.
1367.35 Terms of payment and conditions of delivery.
1367.36 Federal, State, and municipal taxes.
1367.37 Prohibited practices.
1367.38 Records and reports.
1367.39 Enforcement and licensing.
1367.40 Petitions for amendment.
1367.41 Relation to other regulations.
1367.42 Definitions.
1367.43 Effective date.
1367.43a Effective dates of amendments.
1367.44 Appendix A: Amounts per ton net to manufacturer which may be added to manufacturer's prices.
1367.45 Appendix B: Maximum prices for Victory Garden fertilizer.
1367.46 Appendix C: Dealers' margins.

AUTHORITY: §§ 1367.31 to 1367.46, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1367.31 *Sales of mixed fertilizer, superphosphate and potash at higher than maximum prices prohibited.* (a) On and after January 4, 1943, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver to a consumer or a dealer, and no person in the course of trade or business shall buy or receive, mixed fertilizer, superphosphate or potash at prices higher than the maximum prices established herein, and no person shall agree, offer, solicit or attempt to make such a sale, purchase or delivery.

(b) *Less than maximum prices.* Lower prices than those set forth herein may be charged, demanded, offered, paid, or received.

[§ 1367.31 as amended by Amendment 2, issued 3-22-43 and effective 3-27-43.]

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that the prohibition contained in any price regulation against buying or receiving any commodity or service at a price higher than the maximum price permitted by such regulation shall not apply to any war procurement agency, or government whose defense is vital to the defense of the United States.]

§ 1367.32 *To what transactions, products and persons this regulation applies—*(a) *What transactions are covered.* This regulation unlike the previous fertilizer regulation (Maximum Price Regulation 135) is not limited to sales in quantities of 250 pounds or more to consumers.

It covers all sales by manufacturers to dealers and consumers, and by dealers to consumers.

(b) *What products are covered.* This Revised Maximum Price Regulation No. 135 covers all mixed fertilizer, superphosphate and potash of whatsoever kinds and grades.

(c) *What persons are covered.* Manufacturers and their agents and dealers making the sales covered by this regulation are subject to it.

§ 1367.33 *Manufacturers' maximum prices.* (a) A manufacturer's maximum prices shall be the prices set forth in the written or printed price schedule of the manufacturer in effect during the base period as hereinafter set forth, for a sale (1) to a consumer or dealer in the same locality, (2) of the same quantity, grade and kind of mixed fertilizer, superphosphate or potash, (3) delivered in the same type of container or bag, except as hereinafter provided, (4) under the same terms of payment including time, cash, discounts and maturities, and (5) by the same means and under the same conditions of delivery; and as those prices may be increased or decreased for the places of delivery and in the manner and amounts set forth in Appendix A incorporated herein as § 1367.44. The manufacturer's base period shall be the date interval February 16, 1942, to and including February 20, 1942, except that in Florida east of the Apalachicola River, for all provisions of the price schedule or list other than those referring to the price adjustment for special fertilizer ingredients, it shall be the date the manufacturer first issued a written or printed price schedule or list between July 1, 1941 and November 30, 1941; and except that in Puerto Rico it shall be October 15, 1941.

[Paragraph (a) as amended by Amendment 2 issued 3-22-43 and effective 3-27-43]

(b) If the manufacturer cannot establish his maximum price under paragraph (a), or under Appendix B incorporated herein as § 1367.45, then his maximum price shall be determined as follows: He shall submit to the Office of Price Administration in Washington, D. C., a proposed maximum price, showing the calculations by which the proposed maximum price was determined by the manufacturer. Such proposed maximum price must be in line with the manufacturer's level of maximum prices established under paragraph (a), for a comparable quantity, grade and kind of mixed fertilizer, superphosphate or potash sold by the manufacturer to a consumer or dealer in the same locality under the same conditions in the same or comparable type of containers or bags; or in the event the manufacturer had established no prices under paragraph (a) then such proposed maximum price shall not be higher than the general level of maximum prices established under paragraph (a), and the proposed maximum price to consumers shall provide no greater margin between dealer and consumer prices than is provided in the manufacturer's own consumers' price schedule or, in the absence of such schedule of his own, no greater margin than is provided in such a schedule of his most closely competitive seller of the same class. If within 10 days of the registered mailing of such proposed maximum price it has not been disapproved by the Office of Price Administration, the manufacturer may sell, offer for sale, and deliver such mixed fertilizer, superphosphate or potash at the proposed maximum price. Notwithstanding that the Office of Price Administration does not disapprove such price within such 10 day period, it may at a later time disapprove such price or require a modification thereof on such terms and conditions as it deems advisable. All deliveries to a consumer or dealer, or shipments received by a carrier other than a carrier owned or controlled by the person making the sale (including a dealer, agent or other person) after the expiration of such 10 day period but prior to such disapproval or requirement of modification, shall not be affected by such later action on the part of the Office of Price Administration disapproving or modifying such maximum price.

(c) The Head of the Agricultural Chemicals Section, Office of Price Administration, Washington, D. C., is authorized and directed to approve, disapprove, or require modification of, established prices or proposed prices, and of terms of payment and conditions of delivery appearing in price schedules or lists submitted to, or filed with, the Office of Price Administration, Washington, D. C., such approval, disapproval, or modification to be in accordance with the relevant provisions of this Revised Maximum Price Regulation No. 135, as hereby or hereafter amended.

[Paragraph (c) as added by Amendment 2, issued 3-22-43 and effective 3-27-43]

§ 1367.34 *Dealer's maximum prices.* A dealer's maximum price to a consumer shall be determined as follows: (a) To the dealer's net delivered cost established herein there may be added the "suggested" or "recommended" margin specified for that dealer's sales area in the manufacturer's price schedule or list effective during the base period, or (b) if the manufacturer's price schedule in effect during the base period for the dealer's sales area provided "suggested" consumer prices, then those "suggested" consumer prices, as those prices may be increased for the places of delivery and in the manner and amounts set forth in Appendix A incorporated herein as § 1367.44, shall be the dealer's maximum consumer prices; or (c) if the manufacturer, during the base period, had no consumer prices in effect and provided no "suggested" or "recommended" consumer prices or dealer margins for the dealer's sales area, then the dealer's maximum prices to consumers shall be calculated as specified in Appendix C incorporated herein as § 1367.46.

[§ 1367.34 as amended by Amendment 2, issued 3-22-43 and effective 3-27-43]

[NOTE: Supplementary Order No. 13 (7 F.R. 6523) provides that retail sellers of commodities or services, who own more than one establishment and who have maintained a fixed practice of selling commodities or services at retail at uniform or at substantially uniform prices, may apply for authorization to determine and use uniform maximum prices.]

[NOTE: Supplementary Order No. 34 (7 F.R. 10779) permits special packing expenses to be added to maximum prices on sales to procurement agencies of the United States.]

§ 1367.35 *Terms of payment and conditions of delivery.* Terms of payment or conditions of delivery to a consumer or to a dealer shall not be more onerous than those in effect and applicable to such consumer or dealer for the period from February 16 to February 20, 1942 inclusive, except that terms of payment on sales made between July 1 and December 1 of any calendar year hereafter shall not be more onerous than those in effect and applicable to such consumer or dealer for the period from October 1 to October 15, 1941, inclusive.

§ 1367.36 *Federal, state and municipal taxes.* Any tax upon, or incident to, the sale, delivery, processing, or use of the mixed fertilizers, superphosphate and potash, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect from February 16 to February 20, 1942 inclusive.* If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price from February 16 to February 20, 1942 inclusive, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall be regarded as having included such amount in determining the maximum price under this Revised Maximum Price Regulation No. 135.

In all other cases if, at the time the seller determined his maximum price, the statute or ordinance imposing such tax did not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller did state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Revised Maximum Price Regulation No. 135.

(b) *As to a tax or increase in a tax which becomes effective after February 20, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased; except that the tax on transportation imposed by § 620 of the Revenue Act of 1942 shall, for the purposes of determining the applicable maximum price of any commodity subject to this regulation, be treated as though it were an increase of 3% in the amount charged by any person transporting the commodity for hire, and it shall not be treated under any provision of this regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price.

§ 1367.37 *Prohibited practices—General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars and cents price is as much a violation of this Revised Maximum Price Regulation No. 135 as an outright over-ceiling price. This applies to changes in credit practices and cash discounts, and to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

§ 1367.38 *Records and reports.* (a) Every person (including a dealer, agent or other person) making a sale of mixed fertilizer, superphosphate or potash, in quantities of 250 pounds or more, to a consumer or dealer, after January 4, 1943 shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 as amended is in effect, complete and accurate records of each sale, showing the date thereof; and name and address of the buyer, of the person (including an agent) making the sale, and of the manufacturer of the mixed fertilizer, superphosphate or potash sold; the bags or and kind of the mixed fertilizer, superphosphate or potash sold; the bags or containers in which delivered; the price charged or received therefor; the terms of payment (time, cash, discounts, etc.); and the method and conditions of delivery.

(b) (1) Not later than January 15, 1943, every manufacturer of mixed fertilizer, superphosphate or potash, who is engaged in the business of selling the same to consumers and dealers, whether by or through any agent or other person, except those manufacturers who have heretofore done so, shall file with the Office of Price Administration in Washington, D. C., one copy of each and every written or printed price schedule, whether temporary or permanent, issued by him in connection with the sale thereof to consumers and dealers from and after July 1, 1941, together with all written or printed amendments and supplements to any such schedules; but if a manufacturer has not heretofore issued a written or printed price schedule, he shall file with the Office of Price Administration in Washington, D. C., a list of maximum prices charged by seasons from and after October 1, 1941, for the grades and kinds of mixed fertilizer, superphosphate or potash sold to consumers and dealers showing types of bags, terms of payment and conditions of delivery; and each manufacturer shall continue, until further notice, to file with the Office of Price Administration in Washington, D. C., one copy of any and all subsequent price schedules and supplements and amendments, at least ten (10) days prior to the proposed effective date thereof. Each such price schedule, supplement or amendment hereafter filed with the Office of Price Administration shall be accompanied by a statement of all changes made wherein that price schedule, supplement or amendment differs from the price schedule in effect at the time of filing.

(2) In accordance with request addressed to the Office of Price Administration, Washington, D. C., copies of this Revised Maximum Price Regulation No. 135 will be furnished each manufacturer for distribution to his agents and dealers.

(3) Each dealer or agent shall post at his place of business a list of his consumers' maximum prices.

(4) Each manufacturer selling direct to consumers shall post at his office, plant and warehouse his consumer's price list in effect for the area served by each such office, plant, or warehouse.

(c) Persons affected by this Revised Maximum Price Regulation No. 135, shall submit such other information to the Office of Price Administration as it may, from time to time, require, in order to effectuate the purposes of the Emergency Price Control Act of 1942 as amended.

§ 1367.39 *Enforcement and licensing.* (a) Persons violating any provision of this Revised Maximum Price Regulation No. 135 are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250.

(b) Persons who have evidence of any violation of this Regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest field, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

(c) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Revised Maximum Price Regulation No. 135 selling at retail any mixed fertilizer, superphosphate or potash covered by this Revised Maximum Price Regulation No. 135. When used in this section, the term "selling at retail" has the definition given to it by § 1499.20 (o) of the General Maximum Price Regulation. Said registration and licensing provisions became effective as to persons selling at retail on May 18, 1942.

§ 1367.40 *Petitions for amendment—*(a) *Amendments.* Persons seeking any modification of this Revised Maximum Price Regulation No. 135 or an adjustment or exception not provided for herein may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

(b) *Government contracts.* (1) The term "government contracts" is here used to include any contract with the United States or any of its agencies, or with the government or any governmental agency of any country whose de-

fense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that a maximum price in this Revised Maximum Price Regulation 135 is impeding or threatens to impede production of mixed fertilizer, superphosphate or potash which is essential to the war program and which is or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6[4] A copy can be had at any office of the Office of Price Administration.

(3) As soon as the application is filed, deliveries may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must tell the buyer that the delivery is made subject to this refund.

(4) Any manufacturer who is requested by a governmental agency, or a contractor on a governmental project, to submit a bid on, and offer to supply, a grade and kind of mixed fertilizer, superphosphate or potash on which the manufacturer had not established a maximum price, may, in advance of the effective date of his proposed price to be established under § 1367.33 (b), quote a price, offer for sale, sell and deliver, such commodity to the governmental agency or contractor on a governmental project upon the condition that if the price is later disapproved by the Office of Price Administration, the manufacturer shall forthwith make the appropriate refund to the governmental agency, or its fiscal or disbursing office, or to the contractor on the governmental project, from whom he received payment for the commodity.

[Paragraph (4) as added by Amendment 2, issued 3-22-43 and effective 3-27-43]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1367.41 *Relation to other regulations*—(a) *General Maximum Price Regulation.* Any sale or delivery covered by this Revised Maximum Price Regulation No. 135 is not subject to the General Maximum Price Regulation.[5]

(b) *Maximum Export Price Regulation.* The maximum price for export sales of mixed fertilizer, superphosphate or potash is governed by the Revised Maximum Export Price Regulation.[6]

§ 1367.42 *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 135, the term:

(1) "Person" includes an individual, corporation, partnership, association, farmers' or consumers' cooperative or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" means a person who produces, mixes, or processes, or who markets for his own account and under his own brand or trade name, mixed fertilizer, superphosphate, potash or nitrogenous material for use as an aid to the growth of crops or plants.

(3) "Dealer" means a person who purchases mixed fertilizer, superphosphate or potash and resells it to a consumer.

(4) "Consumer" means a person purchasing mixed fertilizer, superphosphate, or potash for use in aiding the growth of crops or plants (and not for resale) and also includes Agricultural Adjustment Agency of the United States Department of Agriculture.

(5) "Mixed fertilizer" means any substance containing any two or more, of potash, superphosphate, and nitrogenous material, when marketed or sold as an aid to the growth of crops or plants.

(6) "Superphosphate" means any product which is obtained by mixing rock phosphate with either sulphuric acid or phosphoric acid or with both acids, when marketed or sold as an aid to the growth of crops or plants.

(7) "Potash" means muriate, chloride, or sulphate of potash, manure salts, and any other substance containing potassium oxide (K_2O), when marketed or sold as an aid to the growth of crops or plants.

(8) "Nitrogenous material" means any organic or inorganic substance containing nitrogen, when marketed or sold as an aid to the growth of crops or plants, except when so marketed or sold without the admixture of any potash or superphosphate.

(9) "Chemical nitrogen" means any nitrogen, other than natural organic nitrogen, including, but not limited to, ammonium sulfate, sodium nitrate, calcium cyanamid, urea and nitrogen-bearing solutions.

(10) "Natural organic nitrogen material" means a fertilizer material of vegetable or animal origin containing nitrogen, including, but not limited to, animal, fish, and other tankages, castor pomace, tobacco stems, cotton seed meal, peanut meal, soybean meal, sewage sludge and cocoa shell meal.

(11) "Grade" means the minimum guarantee of the plant food content of mixed fertilizer, superphosphate, or potash, expressed in terms of nitrogen, available phosphoric acid, and water soluble potash, e. g. 4-8-4, 3-8-5, etc.

(12) "Kind" as distinguished from the term "grade" refers only to mixed fertilizer and means the substances, and the proportions thereof, containing the guaranteed plant food content of mixed fertilizer—as, for example, in the case of nitrogenous material, 80% inorganic and 20% insoluble organic nitrogen; or in the case of potash, 75% sulphate of potash and 25% muriate of potash.

(13) "Price schedule" means any price list or statement, irrespective of form, issued by the seller, setting forth the prices, grades, kinds, terms of payment, types of containers or bags, method and conditions of delivery, and any other provisions relating to sales, of the commodities being priced.

(14) "Place of delivery" means rail or truck destination for goods sold under a price schedule quoting delivered prices, or f. o. b. plant for goods sold under a price schedule quoting f. o. b. plant prices.

(15) "Net to manufacturer" means the amount received by a manufacturer for a sale after deducting discounts and agent's compensation, if any, from his sales price.

(16) "Net delivered cost" means the manufacturer's price to the dealer of the mixed fertilizer, superphosphate or potash being sold plus the dealer's transportation costs.

(17) "Margin" means the amount of markup which may be added to the dealer's net delivered cost.

(18) "Spring season" means the fertilizer selling season from December 1 of any calendar year to and including June 30 of the next succeeding calendar year.

(19) "Fall season" means the fertilizer selling season from July 1 to November 30, inclusive, of any calendar year.

(20) "Victory garden fertilizer" means a 3-8-7 grade of mixed fertilizer for use on Victory gardens in the non-commercial production of vegetables and small fruits.

[Paragraph (20) as amended by Amendment 2, issued 3-22-43 and effective 3-27-43]

(21) "Specialty fertilizer" means a grade and kind of mixed fertilizer containing nitrogen, but not Victory garden fertilizer, which, under the provisions of Food Production Order 5 (8 F.R. 947) issued by the Secretary of Agriculture, may be manufactured, packaged and sold for unrestricted use, and which is generally marketed through retail outlets other than those selling fertilizer for commercial agricultural use.

(22) "Special fertilizer ingredient" means elemental sulphur, or chemical compounds of aluminum, boron, copper, iron, manganese, zinc, or magnesium, except magnesium in the dolomitic form, when added separately by the fertilizer manufacturer to a mixed fertilizer or superphosphate.

(23) "Base period" means the date or date interval specified in § 1367.33 (a), § 1367.44 1 (f) and § 1367.45 (b) (1) (i) which shall be used in determining the manufacturer's maximum prices.

[Paragraphs (21), (22) and (23) as added by Amendment 2, issued 3-22-43 and effective 3-27-43]

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

[4] 7 F.R. 5087, 5664.
[5] 8 F.R. 3096.
[6] 7 F.R. 5059, 7242, 8829, 9000, 10530.

§ 1367.43 *Effective date.* (a) This Revised Maximum Price Regulation No. 135 (§§ 1367.31 to 1367.46 inclusive) shall become effective January 4, 1943.

(b) If mixed fertilizer, superphosphate or potash has been received before January 4, 1943 by a carrier, other than one owned or controlled by the seller, for shipment to a buyer, that shipment remains subject to the terms of the earlier version of this regulation (Maximum Price Regulation No. 135 as amended).

(c) During the period of thirty days next following the effective date of this Revised Maximum Price Regulation No. 135, a manufacturer or dealer may offer or agree to adjust prices to or at prices not in excess of the maximum price established hereunder, but after such thirty day period has elapsed the manufacturer or dealer may offer or agree to adjust prices to or at prices not in excess of the maximum prices in effect at the time of delivery. Where a petition for amendment or for adjustment requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

[Issued December 29, 1942]

§ 1367.43a *Effective dates of amendments.*

Amendment Nos. and issue dates:	*Effective*
Amendment 1, 2-1-43	2- 6-43
Amendment 2, 2-22-43	2-27-43

§ 1367.44 Appendix A: Amounts per ton net to manufacturer which may be added to, or shall be deducted from, the manufacturer's base period prices for places of delivery in the states named below:

1. *Places of delivery:*

(a) New England and Middle Atlantic States.

Maine

Grade:	*Amount per ton*
0-14-14	$1.68
0-20-20	2.40
3-10-10	1.80
3-12-6	2.04
3-12-15	2.04
4-9-7	1.88
4-12-4	2.24
4-8-12	1.76
4-10-10	2.00
4-16-20	2.72
5-20-10	3.40
6-9-15	2.28
6-12-18	2.64
6-15-15	3.00
0-18-0	2.16
0-20*-0	2.40

*Or higher.

Vermont

Grade:	*Amount per ton*
0-14-14	$1.68
0-20-20	2.40
3-10-10	1.80
3-12-6	2.04
3-12-15	2.04
4-9-7	1.88
4-12-4	2.24
4-10-10	$2.00
4-16-20	2.72
5-3-5 [1]	4.36
5-20-10	3.40
6-3-6 [1]	5.16
6-15-15	3.00
0-18-0	2.16
0-20*-0	2.40

*Or higher.
[1] Tobacco only.

New Hampshire

Grade:	*Amount per ton*
0-14-14	$1.68
0-9-27	1.08
0-20-20	2.40
3-10-10	1.80
3-12-6	2.04
3-12-15	2.04
4-9-7	1.88
4-10-10	2.00
4-12-4	2.24
4-16-20	2.72
5-3-5 [1]	4.36
6-15-15	3.00
6-3-6 [1]	5.16
6-15-15	3.00
0-18-0	2.16
0-20*-0	2.40

*Or higher.
[1] Tobacco only.

Massachusetts

Grade:	*Amount per ton*
0-14-14	$1.68
0-9-27	1.08
0-20-20	2.40
3-10-10	1.80
3-12-6	2.04
3-12-15	2.04
4-9-7	1.88
4-12-4	2.24
4-10-10	2.00
4-16-20	2.72
5-3-5 [1]	4.36
5-20-10	3.40
6-3-6 [1]	5.16
6-15-15	3.00
0-18-0	2.16
0-20*-0	2.40

*Or higher.
[1] Tobacco only.

Rhode Island

Grade:	*Amount per ton*
0-9-27	1.08
0-14-14	1.68
0-20-20	2.40
3-10-10	1.80
3-12-6	2.04
3-12-15	2.04
4-9-7	1.88
4-12-4	2.24
4-10-10	2.00
4-16-20	2.72
5-20-10	3.40
6-15-15	3.00
0-18-0	2.16
0-20*-0	2.40

*Or higher.

Connecticut

Grade:	*Amount per ton*
0-9-27	$1.08
0-14-14	1.68
0-20-20	2.40
3-10-10	1.80
3-12-6	2.04
3-12-15	2.04
4-9-7	1.88
4-10-10	2.00
4-12-4	2.24
4-16-20	2.72
5-3-5 [1]	4.36

Connecticut—Continued

Grade:	*Amount per ton*
5-20-10	$3.40
6-3-6 [1]	5.16
6-15-15	3.00
0-18-0	2.16
0-20*-0	2.40

*Or higher.
[1] Tobacco only.

New York

Grade:	*Amount per ton*
0-14-7	$1.12
0-12-12	.96
0-16-8	1.28
0-14-14	1.12
0-24-12	1.60
0-20-20	1.60
2-8-10	1.04
3-12-6	1.56
3-12-15	1.56
4-10-5	1.60
4-12-4	1.76
4-8-12	1.44
4-10-10	1.60
4-16-4	2.08
4-16-8	2.08
0-18-0	1.44
0-20*-0	1.60

*Or higher.

New Jersey

Grade:	*Amount per ton*
0-14-7	$1.12
0-12-12	.96
0-16-8	1.28
0-14-14	1.12
0-24-12	1.60
0-20-20	1.60
2-8-10	1.04
2-12-6	1.36
3-12-6	1.56
3-12-15	1.56
3-18-9	2.04
4-12-4	1.76
4-10-5	1.60
4-8-12	1.44
4-10-10	1.60
4-12-8	1.76
4-16-8	2.08
0-18-0	1.44
0-20*-0	1.60

*Or higher

Pennsylvania

Grade:	*Amount per ton*
0-14-7	$1.12
0-12-12	.96
0-16-8	1.28
0-14-14	1.12
0-24-12	1.60
0-20-20	1.60
2-8-10	1.04
2-12-6	1.36
3-12-6	1.56
3-12-15	1.56
3-18-9	2.04
4-10-5	1.60
4-12-4	1.76
4-8-12	1.44
4-10-10	1.60
4-16-4	2.08
4-8-16	1.44
4-12-8	1.76
4-12-12	1.76
4-16-8	2.08
4-16-20	2.08
4-24-12	2.40
6-15-15	2.40
7-21-7	3.00
10-6-4	.48
0-18-0	1.44
0-20*-0	1.60

*Or higher.

For tobacco grades add 25¢ per unit of nitrogen to the above.

Delaware

Grade:	Amount per ton
0–14–7	$0.70
0–12–12	.60
0–16–8	.80
0–14–14	.70
0–20–20	1.00
0–24–12	1.00
2–8–10	.80
2–12–6	1.00
2–12–12	1.00
3–12–6	1.20
3–9–15	1.05
3–18–9	1.50
3–12–15	1.20
4–12–4	1.40
4–8–12	1.20
4–12–8	1.40
4–16–8	1.60
4–16–20	1.60
4–24–12	1.80
5–10–5	1.50
7–21–7	2.40
10–6–4	.30
0–18–0	.90
0–20*–0	1.00

*Or higher.

Maryland and District of Columbia

Grade:	Amount per ton
0–14–7	$.70
0–12–12	.60
0–16–8	.80
0–14–14	.70
0–24–12	1.00
0–20–20	1.00
2–8–10	.80
2–12–6	1.00
2–12–12	1.00
3–12–6	1.20
3–9–15	1.05
3–12–15	1.20
3–18–9	1.50
4–8–12	1.20
4–12–8	1.40
4–16–4	1.60
4–16–8	1.60
4–16–20	1.60
4–24–12	1.80
4–12–4	1.40
5–10–5	1.50
6–6–8	1.50
7–21–7	2.40
10–6–4	.30
0–18–0	.90
0–20*–0	1.00

*Or higher.

For tobacco grades add 25¢ per unit of nitrogen to the above.

West Virginia

Grade:	Amount per ton
0–14–7	$.70
0–16–8	.80
0–24–12	1.00
2–12–6	1.00
3–18–9	1.50
4–12–4	1.40
4–12–8	1.40
10–6–4	.30
0–18–0	.90
0–20*–0	1.00

*Or higher.

For tobacco grades add 25¢ per unit of nitrogen to the above.

Bags. To a manufacturer's established maximum prices for sales in 100-pound paper bags, there may be added for sales in cotton bags:

$1.10 per ton in 200-pound cotton bags.
$1.35 per ton in 125-pound cotton bags.
$1.60 per ton in 100-pound cotton bags.

(b) *Virginia*

Grade:	Amount per ton
0–14–7	$0.70
0–12–12	.60
0–16–8	.80
0–14–14	.70
0–24–12	1.00
0–20–20	1.00
2–8–10	.80
2–12–6	1.00
2–12–12	1.00
3–8–5	1.00
3–9–6	1.05
3–12–6	1.20
3–9–15	1.05
3–12–15	1.20
3–18–9	1.50
4–8–4	1.20
4–9–3 [1]	2.25
4–8–6	1.20
4–12–4	1.40
4–8–12	1.20
4–12–8	1.40
4–16–4	1.60
4–16–8	1.60
5–10–5	1.50
10–6–4	.30
0–18–0	.90
0–20*–0	1.00

*Or higher.

[1] For tobacco only. For other tobacco grades add 25¢ per unit of nitrogen to the above.

Bags. To a manufacturer's established maximum prices for sales in 200-pound burlap bags, there may be added for sales in cotton bags:

$1.15 per ton for sales in 200-pound cotton bags.

$1.40 per ton for sales in 125-pound cotton bags.

$1.65 per ton for sales in 100-pound cotton bags.

For sales in 100-pound paper bags, deduct $1.15 per ton from the above determined 200-pound cotton bag price.

(c) North Carolina, South Carolina, Georgia.

North Carolina

Grade:	Amount per ton
0–10–10	$0.20
0–14–7	.28
2–8–10	.56
2–10–6	.60
2–12–6	.64
3–8–5	.76
3–9–6	.78
3–9–9	.78
3–12–6	.84
4–8–4	.96
4–9–3 [1]	1.98
4–8–6	.96
4–8–8	.96
4–10–6	1.00
4–12–4	1.04
4–12–8	1.04
5–7–5	1.14
0–18–0	.36
0–20*–0	.40

*Or higher.

[1] For tobacco only. For other tobacco grades add 25¢ per unit of nitrogen to the above.

South Carolina

Grade:	Amount per ton
2–12–6	$0.40
3–8–5	.60
3–9–6	.60
3–9–9	.60
3–12–6	.60
4–9–3 [1]	1.80

[1] For tobacco only. For other tobacco grades add 25¢ per unit of nitrogen to the above.

South Carolina—Continued

Grade:	Amount per ton
4–8–4	$0.80
4–8–6	.80
4–8–8	.80
4–12–4	.80
4–12–8	1.00
5–7–5	.80

Georgia

Grade:	Amount per ton
2–12–6	$0.40
3–8–5	.60
3–9–6	.60
3–9–9	.60
3–12–6	.60
4–2–10 [1]	1.80
4–8–4	.80
4–8–6	.80
4–8–8	.80
4–9–3 [1]	1.80
4–12–4	.80

[1] For tobacco only. For other tobacco grades add 25¢ per unit of nitrogen to the above.

Bags. To a manufacturer's established maximum prices for sales in 200-pound cotton bags, there may be added sixty ($0.60) cents per ton.

Basis the above determined 200-pound cotton bag price:

Add $0.25 per ton for 125-pound cotton bags.

Add $0.50 per ton for 100-pound cotton bags.

Deduct $1.15 per ton for 100-pound paper bags.

(d) *Tennessee*

Bags. To a manufacturer's established maximum prices for sales in 125-pound cotton bags there may be added sixty ($0.60) cents per ton.

Basis the above determined 125-pound cotton bag price:

Add $0.25 per ton for sales in 100-pound cotton bags.

Deduct $0.25 per ton for sales in 200-pound cotton bags.

Deduct $1.35 per ton for sales in 100-pound paper bags.

(e) *New Mexico, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Florida west of Apalachicola River.*

Bags. To a manufacturer's established maximum prices for sales in 100-pound cotton bags, there may be added sixty ($0.60) cents per ton.

Basis the above determined 100-pound cotton bag price:

Deduct $0.50 per ton for sales in 200-pound cotton bags.

Deduct $1.60 per ton for sales in 100-pound paper bags.

(f) *Florida, east of the Apalachicola River.* To the prices of mixed fertilizer, without special fertilizer ingredients, quoted in a manufacturer's written or printed price schedule first issued between July 1, 1941, and November 30, 1941, plus the prices for special fertilizer ingredients quoted in the written or printed price schedule in effect from February 16, 1942, to and including February 20, 1942, there may be added amounts per ton determined as follows:

[NOTE: Paragraph (f) as amended by Amendment 2, issued 3–22–43 and effective 3–27–43.]

(i) $1.30 per unit of organic nitrogen for the amount of organic nitrogen derived from natural organic materials other than cotton seed meal, soybean meal or peanut meal guaranteed to be in a particular grade and kind of mixed fertilizer.

(ii) $2.15 per unit of organic nitrogen for the amount of organic nitrogen derived from cotton seed meal, soybean meal or peanut

meal guaranteed to be in a particular grade and kind of mixed fertilizer.

(iii) $3.80 per unit of organic nitrogen derived from natural organic materials other than cotton seed meal, soybean meal or peanut meal when used to replace chemical nitrogen in a particular grade and kind of mixed fertilizer.

(iv) $4.65 per unit of organic nitrogen derived from cotton seed meal, soybean meal or peanut meal when used to replace chemical nitrogen in a particular grade and kind of mixed fertilizer.

(v) If a manufacturer wishes to reduce the amount of organic nitrogen guaranteed to be in a particular grade and kind of mixed fertilizer after having increased his price according to subparagraphs (i), (ii), (iii), or (iv) above, his price of that grade and kind of mixed fertilizer shall be reduced by deducting for the amount of natural organic nitrogen replaced by chemical nitrogen at the rates specified in (iii) or (iv) above for the types of natural organic nitrogen replaced by chemical nitrogen.

Bags. To a manufacturer's established maximum prices for sales in 200-pound burlap bags, there may be added for sales in cotton bags:

$1.15 per ton for sales in 200-pound cotton bags.

$1.65 per ton for sales in 100-pound cotton bags.

For sales in 100-pound paper bags, deduct $1.15 per ton from the 200-pound cotton bag price as determined above.

(g) *Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Iowa, Missouri.*

Bags. To a manufacturer's established maximum prices for sales in 100-pound paper bags, there may be added for sales in cotton bags:

$1.10 per ton for sales in 200-pound cotton bags.

$1.35 per ton for sales in 125-pound cotton bags.

$1.60 per ton for sales in 100-pound cotton bags.

(h) *Washington, Oregon, California, Arizona, Colorado, Nevada, Idaho, Utah, Wyoming, Montana.*

No amounts per ton may be added to manufacturer's established maximum prices.

(i) *Puerto Rico.* To the prices of mixed fertilizer, superphosphate or potash quoted in a manufacturer's written or printed price schedule or list effective on October 15, 1941, denoted herein as the base period prices, there may be added, net to the manufacturer, for each unit of ammonia, available phosphoric acid and potash an amount consisting of the difference in the cost per unit of such ammonia, available phosphoric acid or potash between (1) the manufacturer's average delivered-to-factory cost of such materials received by him during the period July 1 to December 31, 1941, inclusive, and (2) the manufacturer's average delivered-to-factory cost of such materials received by him during the period October 1 to December 31, 1942, inclusive.

Beginning on April 1, 1943, and quarter-annually thereafter, a manufacturer's base period prices may be increased or shall be decreased by the amount of the difference, if any, between (1) the manufacturer's average delivered-to-factory cost of such materials received by him during the period July 1 to December 31, 1941, inclusive, and (2) the manufacturer's average delivered-to-factory cost of such materials received by him during the three months' period last preceding the quarter annual adjustment date; if, during any such three months' period, no materials were received by the manufacturer, then the average cost for the next preceding three months' period shall be applied in making the appropriate increase or decrease in his base period prices.

Bags. A manufacturer's prices of mixed fertilizer, superphosphate or potash determined as above set forth may be further increased, or shall be decreased, by the amount of the average increase or decrease, as the case may be, in the cost of bags used in packaging such products. The amount of such increase or decrease per ton of such products shall be determined for the same periods and in the same manner as described above for each unit of ammonia, available phosphoric acid and potash.

[Paragraph (i) added by Amendment 1, 7 F.R. 1459]

2. *Use of natural organic nitrogen materials.* Except for deliveries in Washington, Oregon, California, Arizona, Colorado, Nevada, Utah, Idaho, Montana, Wyoming and Florida east of the Apalachicola River, amounts may be added to manufacturer's prices for use of natural organic nitrogen materials in mixed fertilizers as specified below:

(a) $2.00 per unit of organic nitrogen derived from natural organic materials other than cotton seed meal, soybean meal or peanut meal when used to replace chemical nitrogen in a particular grade and kind of mixed fertilizer.

(b) $4.20 per unit of organic nitrogen derived from cotton seed meal, soybean meal or peanut meal when used to replace chemical nitrogen in a particular grade and kind of mixed fertilizer.

(c) $2.20 per unit of organic nitrogen derived from cotton seed meal, soybean meal or peanut meal when used to replace other natural organic nitrogen materials in a particular grade and kind of mixed fertilizer.

(d) On and after the effective date of this Revised Maximum Price Regulation No. 135, no existing provision in any price schedule or list for adding to prices on account of the use of oil seed meals and other natural organic nitrogen materials in the manufacture of mixed fertilizer, inconsistent with the foregoing subparagraphs ((i), (ii) and (iii)) shall be effective or valid.

(e) If a manufacturer wishes to reduce the amount of organic nitrogen guaranteed to be in a particular grade and kind of mixed fertilizer, his price of that grade and kind of mixed fertilizer shall be reduced by deducting for the amount of natural organic nitrogen replaced by chemical nitrogen at the rates specified in (a), (b), or (c) above for the types of natural organic nitrogen replaced by chemical nitrogen.

[NOTE: Paragraph (e) as added by Amendment 2, issued 3-22-43 and effective 3-27-43]

3. *Additional grades.* For grades not listed in 1 (a), (b), or (c) above, but which may be manufactured and offered for sale under the provisions of any Food Production Order heretofore or hereafter issued by the Secretary of Agriculture pursuant to Executive Order No. 9280 (7 F.R. 10179), amounts per ton, which may be added to the manufacturer's price at his base period level, for places of delivery in States listed in 1 (a), (b), or (c) above, are:

(i) 20¢ per unit of nitrogen in mixed fertilizers except tobacco grades and grades containing 8% or more nitrogen per ton, or

(ii) 45¢ per unit of nitrogen in mixed fertilizers for tobacco, plus

(iii) 12¢ per unit of available phosphoric acid in mixed fertilizer and superphosphate up to and including 20% of available phosphoric acid per ton, for Maine, Vermont, New Hampshire, Massachusetts, Rhode Island and Connecticut, or

(iv) 8¢ per unit of available phosphoric acid in mixed fertilizer and superphosphate up to and including 20% of available phosphoric acid per ton, for New York, New Jersey and Pennsylvania, or

(v) 5¢ per unit of available phosphoric acid in mixed fertilizer and superphosphate up to and including 20% of available phosphoric acid per ton, for Delaware, Maryland, District of Columbia, West Virginia and Virginia, or

(vi) 2¢ per unit of available phosphoric acid in mixed fertilizer and superphosphate up to and including 20% of available phosphoric acid per ton, for North Carolina.

[NOTE: § 3 as added by Amendment 2, issued 3-22-43 and effective 3-27-43]

§ 1367.45 *Appendix B: Victory Garden and specialty fertilizers*—(a) *Victory garden fertilizer.*

1. Maximum consumer prices of "Victory Garden Fertilizer—For Food Production Only" with its nitrogen derived entirely from chemical nitrogen materials shall be:

In 100-pound packages:	*Per package*
2,000 pounds or more	$3.00
1,000 pounds to 1,900 pounds	3.25
500 pounds to 900 pounds	3.35
100 pounds to 400 pounds	3.50

In smaller packages:	*Each*
50-pound package	$2.25
25-pound package	1.40
10-pound package	.80
5-pound package	.50

2. Maximum prices of Victory garden fertilizer delivered to dealers shall be:

	Each
100-pound package	$2.50
50-pound package	1.60
25-pound package	1.00
10-pound package	.56
5-pound package	.35

3. To the above consumer and dealer prices for Victory garden fertilizer in 100-pound, 50-pound, and 25-pound packages, there may be added an amount calculated at the rate of 20¢ per 100-pound package, 10¢ per 50-pound package, and 5¢ per 25-pound package for each unit of nitrogen per ton derived from natural organic nitrogen materials rather than chemical nitrogen materials.

(b) *Specialty fertilizers.* 1. Maximum prices of specialty fertilizers sold and delivered to dealers shall be: (i) the prices set forth in the written or printed price schedule or list last issued by the manufacturer prior to February 21, 1942, and effective for any portion of the period from February 16, 1942 to February 20, 1942, inclusive, for the same brand of fertilizer, regardless of the kind of nitrogen or other fertilizer materials then mixed in that brand; or (ii) a price based on the following prices for a 3-8-7 grade with nitrogen derived entirely from natural organic nitrogen materials:

Specialty fertilizer 3-8-7 (all organic nitrogen).

Size of package: [1]	*Price per package*
100-pound	$3.10
50-pound	1.90
25-pound	1.15
10-pound	.56
5-pound	.35

[1] The price per pound in packages of any size other than those listed shall be no higher than the price per pound in the next larger size of package which is listed.

2. For variations in nitrogen, available phosphoric acid and potash adjustments per package shall be made at the following rates:

Size of package	Price adjustment per Unit	
	Total nitrogen	Available phosphoric acid or potash
100-pound	$.30	$.04
50-pound	.15	.02
25-pound	.075	.01
10-pound	.03	.00
5-pound	.015	.00

3. If the Secretary of Agriculture at some later date approves the use of chemical nitrogen in specialty fertilizers, the prices established under (1) and (2) above shall be reduced at the rate of 20¢ per 100-pound package, 10¢ per 50-pound package and 5¢ per 25-pound package for each unit of nitrogen per ton derived from chemical rather than natural organic nitrogen materials.

4. Each manufacturer shall continue to offer such quantity discounts as were set forth in his written or printed price schedule last issued prior to February 21, 1942, and effective for any portion of the period from February 16, 1942, to February 20, 1942, inclusive.

5. Maximum prices of specialty fertilizers for sales to consumers may be established by adding to the dealer's maximum price established under (b) (1), (2) or (3) above:

(i) The percentage markup over the price to dealers as recommended in the written or printed price schedule last issued by the manufacturer prior to February 21, 1942, and effective for any portion of the period from February 16, 1942 to February 20, 1942, inclusive; *or*

(ii) A markup of 40 per cent over the price to dealers as herein established if no recommended margin was provided in the price list in effect during the period from February 16, 1942 to February 20, 1942, inclusive.

[NOTE: § 1367.45 as amended by Amendment 2, issued 3-22-43 and effective 3-27-43]

§ 1367.46 *Appendix C: Dealers' margins.*

1. Cash sales—A dealer's maximum margin on his cash sales, unless otherwise determined under § 1367.34, shall be:

(a) No more than five (5%) per cent margin on dealer's net delivered cost on deliveries in Alabama; Florida, west of the Apalachicola River only; Georgia; Maine, Aroostook County, Danford Township of Washington County and the part of Penobscot County north and west of Millinocket only; North Carolina; South Carolina; and Virginia.

[NOTE: Paragraphs 1 and (a) as amended by Amendment 2, issued 3-22-43 and effective 3-27-43]

(b) No more than six (6%) per cent margin on dealer's net delivered cost on deliveries in Delaware; Maryland, Counties of Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico and Worcester only; and New York, Long Island only.

(c) No more than seven (7%) per cent margin on dealer's net delivered cost on deliveries in the District of Columbia; Maryland, Counties west of the Susquehanna River and Chesapeake Bay only; West Virginia, except counties of Brooke, Hancock, Marshall, and Ohio; and New Jersey.

(d) No more than eight (8%) per cent margin on dealer's net delivered cost on deliveries in New York, except Long Island.

(e) No more than nine (9%) per cent margin on dealer's net delivered cost on deliveries in Indiana; Michigan, Southern Peninsula; Ohio; Pennsylvania; and West Virginia, counties of Brooke, Hancock, Marshall and Ohio only.

(f) No more than ten (10%) per cent margin on dealer's net delivered cost on deliveries in Arizona; Arkansas; California; Colorado; Connecticut; Florida, except area west of the Apalachicola River; Idaho; Illinois; Iowa; Kansas; Kentucky; Louisiana; Maine, exclusive of Aroostook County, Danforth Township of Washington County and the part of Penobscot County north and west of Millinocket; Massachusetts; Michigan, Northern Peninsula; Minnesota; Mississippi; Missouri; Montana; Nebraska; Nevada; New Hampshire; New Mexico; North Dakota; Oklahoma; Oregon; Rhode Island; South Dakota; Tennessee; Texas; Utah; Vermont; Washington; Wisconsin; and Wyoming.

[NOTE: Paragraph (f) as amended by Amendment 2, issued 3-22-43 and effective 3-27-43]

2. Time sales—A dealer's margin on his time sales, unless otherwise determined under Section 1367.34, shall be no greater on spring season sales than he charged on similar sales during the period February 16 to February 20, 1942, inclusive; and on fall season sales no greater than he charged on similar sales during the period October 1 to October 15, 1941, inclusive.

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4448; Filed, March 22, 1943; 4:48 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11,[1] Amendment 51]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 11 is amended in the following respects:

1. Section 1394.5304 (b) is amended by adding after the period at the end of the paragraph the sentence: "For 'Area B,' subcolumn 'Thermal Zone A' of column 'Area A' of such Table shall be used."

2. Section 1394.5701 (e) is added to read as follows:

(e) The provisions of this section shall not apply to the Army and the Navy.

3. Section 1394.5731 (c) is added to read as follows:

(c) The provisions of this section shall not apply to the Army and the Navy.

4. The text of § 1394.5655 (a) is amended by adding after the period at the end of the paragraph, the sentence: "When fuel oil is transferred to the Army or to the Navy within the limitation area from without the limitation area, the agency receiving such fuel oil shall execute Form OPA R-544 (Revised) with respect to such transfer and shall forward such executed form to the Control and Audit Unit, Fuel Oil Rationing Branch, Office of Price Administration, Washington, D. C., before the expiration of the calendar month in which such transfer is made or within ten (10) days after such transfer, whichever is shorter."

5. In the subcolumn "Thermal Zone B" of the column "Area A" of Table VII of § 1394.5851 (d), the date "Nov. 20-Dec. 1" is amended to read "Nov. 26-Dec. 1" and the date "Mar. 6-Mar. 13" is amended to read "Mar. 5-Mar. 13".

This amendment shall become effective on March 27, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562; Supp. Directive No. 1-0, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4457; Filed, March 22, 1943; 4:45 p. m.]

PART 1397—CONSTRUCTION OF BUILDINGS AND STRUCTURES

[MPR 251, Amendment 1]

CONSTRUCTION AND MAINTENANCE SERVICES AND SALES OF BUILDING AND INDUSTRIAL EQUIPMENT AND MATERIALS ON AN INSTALLED OR ERECTED BASIS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1397.56 (b) and § 1397.57 (b) of Maximum Price Regulation No. 251 (7 F.R. 8878) are hereby revoked.

This amendment shall become effective March 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4458; Filed, March 22, 1943; 4:40 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 5, Amendment 1]

RATIONED FATS OR OILS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Restriction Order 5 is amended in the following respects:

1. A new paragraph (c) is added to section 2, to read as follows:

(c) Exceptions may also be granted, upon such application, by the District Managers of the Office of Price Administration or, where there is no District Office, by the State Director.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8480, 8708, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10181, 10379, 10530, 10531, 10780, 10707, 11118, 11071, 1466, 11005; 8 F.R. 165, 237, 437, 369, 374, 535, 444, 607, 608, 977, 1203, 1235, 1282, 1681, 1636, 1859, 2194, 2432, 2598, 2598, 2781, 2720, 2887, 2942, 2993, 2887, 3106.

2. The definition of "Transfer", in section 4, is amended to read as follows:

(11) "Transfer" means to sell, give, exchange, lend, deliver, or consign. It includes any transfer of possession or title, however accomplished, but it does not include use in the preparation of food for service or in the service of food to consumers. The use by any person of rationed fats or oils which he holds for sale or transfer is considered a transfer of those foods to himself.

This amendment shall become effective March 22, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, 7 F.R. 562, and Supp. Dir. 1-M, 7 F.R. 7234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, Food Dir. 7)

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4459; Filed, March 22, 1943; 4:40 p. m.]

PART 1411—COMPENSATORY ADJUSTMENT

[Amendment 5 to Compensatory Adjustment Reg. 1]

WARTIME INCREASES IN THE COST OF TRANSPORTING COAL

Compensatory Adjustment Regulation No. 1 is amended in the following respects:

1. Section 1411.5a (a) is amended to read as follows:

(a) (1) An application for a compensatory adjustment on account of wartime increases in the cost of transporting coal may be filed by any dealer in Pennsylvania anthracite who (i) prior to January 1, 1942 normally handled, at a business establishment, Pennsylvania anthracite transshipped from New York Harbor or Philadelphia Piers, via tidewater, either (*a*) to an unloading port on the Atlantic Coast north of and including Portsmouth, New Hampshire, or (*b*) to a yard or dock having no rail connections located at a point on the Atlantic Coast north of and including Stamford, Connecticut and south of Portsmouth, New Hampshire, except to a yard or dock located at a point in the State of New York, (ii) during the period January 1, 1942, to May 17, 1942, inclusive, received Pennsylvania anthracite transported to the same establishment at a higher cost than the cost of transporting such Pennsylvania anthracite prior to January 1, 1942, and (iii) prior to May 18, 1942, had not disposed of the Pennsylvania anthracite transported at such higher cost, or of an equivalent amount of inventory, at prices adjusted upwards over his selling prices during the month of December 1941.

(2) Such an application may also be filed by any dealer in Pennsylvania anthracite who (i) prior to January 1, 1942, normally received at a business establishment, Pennsylvania anthracite transshipped from New York Harbor or Philadelphia Piers, via tidewater, either (*a*) to an unloading port on the Atlantic Coast north of and including Portsmouth, New Hampshire, or (*b*) to a yard or dock having no rail connections located at a point on the Atlantic Coast north of and including Stamford, Connecticut and south of Portsmouth, New Hampshire, except to a yard or dock located at a point in the State of New York, and (ii) on or after May 18, 1942, incurs a greater cost for rail or combined rail and water transportation of Pennsylvania anthracite to the same business establishment: *Provided,* That with respect to the tonnage moving via tidewater transshipment as above described, prior to January 1, 1942, the total tonnage of Pennsylvania anthracite so moving to the dealer in the calendar year 1941 shall be the approximate maximum amount of tonnage which may be considered by the Office of Price Administration in the dealer's application for compensatory adjustments relating to tonnages of Pennsylvania anthracite shipped during the calendar year 1942, and: *Provided further,* That the preceding proviso shall not apply where all or approximately all of the tonnage of Pennsylvania anthracite received by the dealer in 1941 had been received by tidewater transshipment as above described.

2. Section 1411.5a (b) (2) (i) is amended to read as follows:

(i) Applications pursuant to paragraphs (a) (1) of this § 1411.5a shall be filed on or before May 20, 1943.

3. Section 1411.5a (b) (2) (ii) (*b*) is amended to read as follows:

(*b*) Applications relating to receipts during May 18–31, inclusive, 1942 and during each of the months from June 1942 to February 1943, inclusive, shall be filed on or before May 20, 1943. Applications relating to receipts during any subsequent month, beginning with March 1943, shall be filed on or before the twentieth day of the third succeeding month. For example, applications as to receipts during the month of March 1943 shall be filed on or before June 20, 1943.

4. Section 1411.5a (b) (3) (iv) (*c*) is amended to read as follows:

(*c*) The water and rail transportation cost incurred for the last cargo of Pennsylvania anthracite of the same size (or other size taking the same freight rate) received in 1941 via tidewater transshipment: *Provided,* That the information required under this subdivision (iv) need not be restated after it has been included in a previous application filed pursuant to this Compensatory Adjustment Regulation No. 1.

5. Section 1411.5a (b) (3) (v) is amended to read as follows:

(v) The amount, if any, per gross ton by which the combined rail and water transportation cost incurred by the applicant on the last cargo of Pennsylvania anthracite of the same size (or other size taking the same freight rate) received by him in 1941, via tidewater transshipment, is less than the cost incurred by the applicant on and after May 18, 1942 for the all-rail or combined rail and water transportation of the Pennsylvania anthracite for the transportation of which an adjustment is requested. The amount, if any, of such excess shall constitute the "standard adjustment", which shall be set forth in the application: *Provided,* That in the case of any rail movement on and after May 18, 1942, the standard adjustment shall be based on the lowest available rail transportation charges from the same rail origin point to the same destination point.

6. Section 1411.6 is amended to read as follows:

§ 1411.6 This Compensatory Adjustment Regulation No. 1 shall become effective as of May 18, 1942.

This Amendment No. 5 shall be effective as of May 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4450; Filed, March 22, 1943; 4:41 p. m.]

PART 1421—IRON AND STEEL FOUNDRY PRODUCTS

[MPR 244,[1] Amendment 4]

GRAY IRON CASTINGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 244 is amended in the following respects:

1. Section 1421.156 is amended to read as follows:

§ 1421.156 *Adjustable pricing and pricing during the pendency of an application for adjustment or petition for amendment.* (a) It is permitted under this maximum price regulation to provide in a contract that the price shall be adjustable to a price not higher than the maximum price in effect at the time of delivery.

(b) Where an application for adjustment has been filed pursuant to § 1421.157 (a) of this regulation and the applicant claims to meet the requirements of subparagraph (3) under paragraph (a) of said section, he may, pending the issuance of an order granting or denying the application and without securing the express permission of the Office of Price Administration, enter into or offer to enter into contracts and may make deliveries at the price requested in the application. In an appropriate situation, where a petition for amendment or application for adjustment requires extended consideration and the applicant or petitioner does not claim to meet the requirements of subparagraph (3) under § 1421.157 (a), the Administrator or, in a case properly before him, the regional administrator for the appropriate regional office of the Office of Price Administration may, upon application, grant permission to the applicant or petitioner

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8558, 8942, 8948, 10781, 8 F.R. 3002.

to enter into or offer to enter into contracts and to make deliveries at the price requested in the application or petition. Whether or not the applicant or petitioner claims to meet the requirements of subparagraph (3) under § 1421.157 (a), if the order issued denies the application or petition in whole or in part, the contract price shall be revised downward to the maximum price ordered, and if any payment has been made at the requested price, the applicant or petitioner shall be required to refund the excess. If a request for review is filed by the applicant seeking an adjustment in accordance with § 1300.17 of Revised Procedural Regulation No. 1, the applicant, pending action by the Administrator, may enter into or offer to enter into contracts and may make deliveries at the price requested in the application. If the order issued by the Administrator denies the application in whole or in part, the contract price shall be revised downward to the maximum price ordered, and if any payment has been made at the requested price, the applicant shall be required to refund the excess.

2. Section 1421.163 is amended to read as follows:

§ 1421.163 *Maximum prices for new sellers other than transferees.* Each person engaged in, or who proposes to engage in, the business of selling gray iron castings who was not in such business at his present foundry on February 1, 1942, and who is not a transferee as described in § 1421.162, shall file a proposed pricing method for computing maximum prices with the Iron and Steel Branch of the Office of Price Administration, Washington, D. C., for approval. Such proposed pricing method shall be submitted on Form 344:2 issued by the Office of Price Administration. The various pricing factors included in such pricing method shall be computed as follows:

(a) Direct labor costs shall be based upon the labor rates which were actually in effect for such seller in his gray iron operations on February 1, 1942 for each classification of direct labor, or, if labor rates for any classification of direct labor were not in effect for such seller on February 1, 1942, on labor rates no higher than the rates for such classifications of direct labor prevailing for such seller's competitors in the same area on February 1, 1942. Overtime labor may be included in cost in accordance with the provisions of § 1421.166 (b) (2) (ii) of this regulation.

(b) Direct material costs shall be based upon the costs to such seller on February 1, 1942 for such materials, or, if the seller had no such costs at that time, on his present costs for such materials, but in any case such costs may not exceed the applicable maximum prices for such materials established by the Office of Price Administration.

(c) In determining whether items of labor or material costs are direct or indirect, the seller shall employ the same classifications and criteria which he used on February 1, 1942, or, if he was not engaged in the production of gray iron castings at that time, the classifications and criteria which he would have then used.

(d) Overhead rates shall be the overhead rates in effect for such seller for a similar class of work on February 1, 1942, or, if no overhead rates were in effect for such seller for a similar class of work on February 1, 1942, the overhead rates shall be the rates such seller would have used on February 1, 1942 for a similar class of work. (NOTE: Two classes of work shall be considered not similar if the overhead rates on such classes would be materially different.)

(e) Mark up, margin, or profit shall be the mark up, margin, or profit which such seller would have used on February 1, 1942 if he had been in the business of selling gray iron castings at that time.

(f) Subcontracted machinery service costs may be computed at current levels as provided in § 1421.166 (b) (5) of this regulation.

The proposed pricing method shall be approved as filed or approved subject to such adjustments, conditions and limitations as the Office of Price Administration may provide, or shall be disapproved within twenty days from the time it is received by said Iron and Steel Branch, and in the event the Office of Price Administration does not send out in writing its approval or disapproval within twenty days as provided herein, the proposed pricing method shall be deemed approved. Pending approval or disapproval by the Office of Price Administration, the seller may sell, offer to sell and deliver gray iron castings at prices determined in accordance with the requested pricing method, but such prices shall be subject to adjustment, and the seller shall state in his contracts, offers and invoices that such prices are subject to adjustment, in accordance with the maximum prices resulting from the pricing method which is approved by the Office of Price Administration, and refunds shall be given of any payments made which are in excess of such maximum prices.

3. Section 1421.164 (a) (3) is amended to read as follows:

(3) (i) "Gray iron castings" means all ferrous or ferrous base castings other than steel (including manganese steel), malleable or high alloy castings,[2] sold either with or without subsequent processing thereon, such as (without limitation), machining, galvanizing, plating, japanning, and treating, but does not include: (*a*) gray iron castings sold in an assembly with other materials (except bolts, nuts, screws, rivets or other industrial fastenings), (*b*) gray iron castings purchased from the seller on which the purchaser has performed subsequent processing, (*c*) gray iron castings sold as another commodity by a regular manufacturer of such other commodity or by a purchaser from such manufacturer, and (*d*) gray iron castings for which maximum prices are established by Revised Maximum Price Regulation No. 236[3] issued by the Office of Price Administration.

(ii) A seller of gray iron castings is considered a regular manufacturer of another commodity when (*a*) he represents himself in the trade as a manufacturer of such other commodity through the issuance of catalogues, price lists or other advertising matter, circulated generally to the trade, in which such commodity is designated by name, (*b*) he owns the patterns used for the production of such other commodity, and (*c*) he customarily produces such other commodity for, and sells such commodity from, stock. A seller of gray iron castings who believes that he is a regular manufacturer of another commodity, but who does not meet each of the requirements specified in the foregoing items (*a*), (*b*), and (*c*) may nevertheless be considered a regular manufacturer of another commodity if he is recognized in the trade as a source of supply of such other commodity and he applies to the Office of Price Administration for a determination, or the Office of Price Administration makes a determination without such application, that he is a regular manufacturer of such other commodity.

4. Section 1421.164 (a) (13) is added to read as follows:

(13) "Seller" shall include sellers of gray iron castings who are producers and those who are not producers. For the purpose of determining maximum prices under paragraph (b) of § 1421.166 of this regulation, but for no other purpose, if a seller owns and operates a number of different foundries each such foundry shall be considered a separate seller.

5. Section 1421.164 (a) (14) is added to read as follows:

(14) "Producer of gray iron castings" and "producer" mean a person who is engaged in the business of casting the gray iron and shall include such person whether or not he performs subsequent processing on such castings or causes subsequent processing to be performed on such castings by another, the producer retaining title to the castings.

6. Section 1421.164 (a) (15) is added to read as follows:

(15) "Foundry" includes, in the case of a seller of gray iron castings who is not a producer, a plant, establishment or place of business.

7. Section 1421.166 (b) (1) (i) is amended to read as follows:

(i) The seller shall employ the applicable pricing method which was in use at the foundry on February 1, 1942, and which has been or will be filed with the Office of Price Administration in accordance with section 1421.161 herein, employing each of the pricing factors reflected in such method at the levels pre-

[2] The terms "steel castings", "manganese steel castings", "malleable iron castings" and "high alloy castings" are defined in Revised Price Schedule No. 41 and Maximum Price Regulations 235, 241 and 214, respectively; reference should be made to these definitions.

[3] Revised Maximum Price Regulation No. 236 establishes maximum prices in the Eastern part of the United States for heating boiler conversion parts; reference should be made to the definitions set forth in this Regulation No. 236.

vailing at such time, except as specified in subparagraph (5) hereinbelow, including: direct labor rates (applied in accordance with subparagraph (2) below); direct material costs (applied in accordance with subparagraph (3) below); overhead (burden) rates (applied in accordance with subparagraph (4) below); subcontracted machinery service costs (applied in accordance with subparagraph (5) below); and mark-up, margin or profit (applied in accordance with subparagraph (6) below): *Provided however,* That in the case of a seller of a gray iron casting who is not the producer thereof, such seller shall compute his maximum price for such casting by adding to the price at which he purchased such casting, not to exceed the maximum price of the casting under this Regulation for the producer thereof, a mark-up, margin or profit determined in accordance with subparagraph (6) of this paragraph (b), and by adjusting this sum in accordance with the following subdivision (ii).

This amendment shall become effective March 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4451; Filed, March 22, 1943; 4:41 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 145 Under § 1499.18 (b) of GMPR]

ATLANTIC CURTAIN CO.

Amendment No. 1 to Order No. 145 under § 1499.18 (b) of the General Maximum Price Regulation; Docket No. GFI-364-P; granting adjustment to Atlantic Curtain Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, paragraph (f) of § 1499.1406 is amended to read as follows:

§ 1499.1406 *Adjustment of maximum prices for sales of certain curtains by the Atlantic Curtain Company.* * * *

(f) This Order No. 145 shall become effective as of June 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4464; Filed, March 22, 1943; 4:46 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 4[1] to GMPR, Amendment 22]

INTERNATIONAL PAYROLL MACHINE CO.

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 4 to the General Maximum Price Regulation is amended in the following respect:

Section 1499.29(a)(17) is amended to read as follows:

(17) Deliveries prior to July 1, 1943, pursuant to sales, to the United States or any agency thereof, of the standard model F-4 payroll machine manufactured by the International Payroll Machine Company, Reading, Pennsylvania.

(i) The provisions of this subparagraph may be amended or revoked by the Price Administrator at any time.

This amendment shall become effective March 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4454; Filed, March 22, 1943; 4:41 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14[1] to GMPR,[2] Amendment 137]

CERTAIN FOOD AND BEVERAGE SPECIALTY PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new subparagraph (82) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

* * * * *

(82) *Certain food and beverage specialty products*—(i) *Applicability.* The provisions of this subparagraph shall apply only to those commodities listed in Appendix A hereof and only in those cases where the volume of the end-product of the new formula product is the same as or fairly equivalent to the end-product made from the old formula product.

(ii) *Method of determining maximum prices.* (*a*) The maximum prices for sales and deliveries of the food and beverage specialty products hereinafter listed in Appendix A manufactured by the identical formula and sold in the same net weight containers as they were sold and delivered in during March 1942 shall be the maximum prices determined in accordance with the provisions of the General Maximum Price Regulation.

(*b*) On and after March 27, 1943, every manufacturer of a listed specialty product who since March 1942 has changed or who shall change his formula for the manufacture of such product either by the substitution, elimination or reduction of one or more of the ingredients thereof shall determine the maximum price of his new product as follows: He shall

(*1*) Calculate the current ingredient cost per his customary selling unit of all ingredients according to the formula used in March 1942 for the product which he sold in March 1942,

(*2*) Calculate the current ingredient cost per his customary selling unit of all ingredients of his new formula for the product which he is pricing,

(*3*) Subtract new formula ingredient costs from old formula ingredient costs, (2 from *1*), and

(*4*) Subtract the difference in ingredient costs as determined in (*3*) from his previously established maximum selling price for his old formula product. The result shall be the manufacturer's maximum selling price per his customary selling unit for his new formula product. Fractions of one-half cent or more may be increased to the next higher cent and fractions of less than one-half cent shall be decreased to the next lower cent.

(*c*) Except as provided in (vii), if the manufacturer's formula change results in the same or greater ingredient costs for his new formula product than for his old formula product, his maximum price of his new formula product shall remain unchanged from the maximum price of his old formula product.

(iii) *Discounts and allowances.* Discounts, allowances and terms, whether based on quantity, class of purchaser, or any other cause, shall be no less favorable to any purchaser of a new formula product of a listed specialty product than those in effect with respect to the same old formula product.

(iv) *Maximum prices for sellers at wholesale and retail.* Sellers at wholesale and retail of any specialty product listed in Appendix A hereof shall not increase and they are not required to reduce their maximum prices established for that product under the General Maximum Price Regulation, regardless of any change in the net weight of

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[1] 7 F.R. 5056, 5089, 5566, 6082, 6084, 6426, 6793, 6744, 6793, 7175, 7538, 8021, 9827, 10022, 10110, 10531; 8 F.R. 130, 137, 372, 1681, 1685, 1893.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5486, 5709, 6008, 5911, 6008, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7536, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8534, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 9855, 8959, 9043, 9196, 9397, 9391, 9495, 9496, 9639, 9496, 9786, 9900, 9901, 10069, 10111, 10022, 10139, 10151, 10231, 10294, 10346, 10381, 10480, 10583, 10537, 10705, 10557, 10583, 10865, 11005; 8 F.R. 276, 439, 535, 494, 589, 863, 980, 1030, 876, 878, 1590, 1121, 1142, 1279, 1383, 1589, 1455, 1460, 1633, 1467, 1813, 1894, 1978, 2041, 1895, 2035, 2157.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565. 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317, 2029, 2110, 2346, 3096.

such product which may result from a producer's formula change made under the provisions of this subparagraph.

(v) *Reports.* Every manufacturer who since March 1942 has made a change in his formula of a listed specialty product subject to the provisions of this subparagraph shall file with the Office of Price Administration, Washington, D. C., a verified statement showing (*a*) his actual current purchase price for each ingredient used to produce the product by the old formula, (*b*) the actual current purchase price for each ingredient used to produce the product by the new formula, (*c*) the name of his supplier of each ingredient, (*d*) his cost of such ingredients per his customary selling unit of the manufactured product for both the old and new formula, (*e*) his previous maximum selling price, and (*f*) his new maximum selling price. If the formula change was made prior to the effective date of this amendment, such statement must be filed within 15 days after the effective date of this amendment. If the formula change is made on or after the effective date of this amendment, such statement must be filed within 5 days after the date of the first shipment of the new formula product.

(vi) *Notification.* Whenever a formula change is made and a new maximum selling price is determined under the provisions of this subparagraph, the manufacturer making such change shall before or at the time of first delivery notify in writing each of the purchasers of the new formula product from him of his new maximum selling price.

(vii) *Subsequent formula changes.* Each time a manufacturer makes a change in his formula of a listed specialty product he shall apply the provisions of this subparagraph to determine his new maximum prices of such product. Price changes, if any, shall always be in reduction of the maximum price for the product from which the change is made, except as may be otherwise authorized under subdivision (vii).

(viii) *Authorization of maximum prices.* In any case where a manufacturer by a subsequent formula change of a listed specialty product shall determine that his ingredient cost for such new formula product is greater than his ingredient cost for a previous new formula product the maximum price of which he has determined in accordance with provisions of this subparagraph, he may apply to the Office of Price Administration in Washington, D. C., for an authorization of a maximum price for his latest new formula product. Such application shall set forth (*a*) a description in detail of the product for which a maximum price is sought and wherein it differs from the product from which the change is made and (*b*) the current cost of ingredients of those two products. Such authorization will be given by the Price Administrator in writing prescribing the maximum price or a method of determining the maximum price for the applicant or for sellers of the product generally, including purchasers for resale, or for a class of such sellers. If authorization is given under the provisions of this subdivision (vii) the maximum prices so authorized shall not exceed the maximum selling prices established for the product as produced and sold in March 1942.

(ix) *Definitions.* When used in this subparagraph (82) the term:

"Beverage mix preparations" means the dry or liquid product consisting of flavoring, coloring, acid, with or without sugar, without milk ingredients or with milk ingredients not exceeding 50 per cent of the total weight or volume as packaged.

"Dehydrated soup mixes" means the dry packaged product consisting of dehydrated vegetables, salt, sugar and seasonings, with or without alimentary paste products, and with or without capsules containing fats, vitamins or minerals, and with or without dehydrated meat or poultry particles.

"Freezing mix preparations" means the liquid or semi-fluid product customarily sold in hermetically sealed containers, consisting of sugar and/or dextrose, flavoring, with or without fruit particles, coloring, salt, stabilizing colloid and/or any starch compound the entire combination being used to prepare frozen desserts.

"Gelatin dessert preparations" means the dry packaged product consisting of sugar, gelatin, organic acid, coloring and flavoring.

"Ice cream powders" means the dry packaged product consisting of sugar or dextrose, or both, milk powder and/or skimmed milk powder, a stabilizing colloid, flavoring, coloring and salt. This definition shall also include ice cream powders with powdered rennin and sucrose.

"Starch dessert preparations" means the dry packaged product consisting of sugar or dextrose or both, corn starch or other starches or a combination of either, flavoring, coloring and salt. This definition shall also include rennin powdered dessert preparations.

(The above are general definitions to describe the commodities. The elimination of any ingredient specified, or the addition of any optional ingredient not specified does not exclude a product from the scope of the definition.)

"End-product" means the finished food or beverage prepared according to the directions on or in the container and as described by the manufacturer.

"Ingredient cost" means the actual invoice cost of a customary quantity of any ingredient plus delivery charge, if incurred, from the customary supplying point via the customary mode of transportation. In the absence of actual invoice cost, the potential cost may be substituted.

"New formula" means the combination and proportion of ingredients which constitutes the new product and which, used according to the directions on or in the container, will produce the same or fairly equivalent volume of end-product as the old formula.

"Old formula" means the combination and proportion of ingredients used to produce the listed specialty product in March 1942, or the combination and proportion of ingredients used to produce the product once calculated and reported under the provisions of this amendment where a subsequent formula change is involved.

"Previously established maximum selling price" means the maximum selling price of the product as established by the General Maximum Price Regulation or by order of the Office of Price Administration, or as recalculated and reported under the provisions of this amendment where a subsequent formula change is involved.

(x) *Appendix A: Food and beverage specialty products covered by this subparagraph.* The following food and beverage specialty products, referred to in this subparagraph as listed specialty products, are covered by and the producers thereof shall be governed by the provisions of this subparagraph:

Beverage mix preparations.
Dehydrated soup mixes.
Freezing mix preparations.
Gelatin dessert preparations.
Ice cream powders.
Starch dessert preparations, including rennin powdered dessert preparations.

This amendment shall become effective March 27, 1943.

NOTE: All reporting and record-keeping requirements of this Amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4460; Filed, March 22, 1943; 4:43 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14[1] to GMPR,[2] Amendment 138]

"GENERAL MANAGER TYPE" GRAIN DOORS SOLD TO RAILROADS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1499.73 (a) (83) is added to read as follows:

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7916, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391, 9495, 9496, 10381, 9639, 9496, 9786, 9900, 9901, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10583, 10537, 10705, 10557, 10583, 10865, 11005; 8 F.R. 276, 439, 535, 494, 589, 863, 980, 1030, 876, 878, 1121, 1142, 1279, 1383, 1589, 1455, 1460, 1633, 1467, 1813, 1894, 1978, 2041, 1895, 2035, 2157, 2343, 2274, 2343.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317, 2029, 2110, 2346, 3096.

(83) *"General Manager type" grain doors sold to railroads*—(i) *Products covered.* This amendment covers "General Manager type" grain doors, size 7'0" x 20" x 1⅝" or 7'0" x 10" x 1⅝", which meet any of the following listed, or any similar, specifications:

Chicago, Burlington and Quincy R. R. specification #57359
Atchison, Topeka and Santa Fe Railway specification #17-D-2224
Great Northern Railway specification #1631

(ii) *Maximum prices.* The maximum price for a "General Manager type" grain door sold to any railroad shall be the price figured as follows: The seller should take the maximum price which governed his sales of the door prior to this amendment. He should then add the amount by which the cost of lumber, charged in at market prices (but not over any ceiling price), and the cost of direct labor used in making the door increased between March 1942 and March 1, 1943. The total is the seller's maximum price for that size grain door. However, in no event can the maximum price for doors delivered on the line of the purchasing railroad be higher than the following prices:

	Hemlock or other northern softwoods or hardwoods	Ponderosa pine, fir or other western softwoods	Southern pine, cypress, basswood or other southern or eastern softwoods or hardwoods
7'0" x 20" x 1⅝"	1.15	1.23	1.23
7'0" x 10" x 1⅝"	.69	.74	.74

(iii) *Reports.* Any seller who figures a maximum price for grain doors under this amendment must report the price for each size door to the Lumber Branch, Office of Price Administration, Washington, D. C. before April 15, 1943. The report must show how the maximum price was figured by showing:

(*a*) The seller's maximum price before this amendment;

(*b*) The amount added for an increase in the cost of lumber from March 1, 1942 to March 1, 1943, and an explanation of the type of lumber used and how the increase in cost was figured; and

(*c*) The amount added for an increase in the cost of direct labor from March 1, 1942 to March 1, 1943, and an explanation of how the increase in cost was figured.

(iv) *Adjustment of incorrect maximum prices.* Where the report submitted shows that the seller figured the maximum price in an incorrect manner, the Office of Price Administration will, by letter, order the price reduced to the correct ceiling price. Refunds must be made to adjust the prices charged by the seller to the correct maximum price. If the Office of Price Administration does not order the price reduced before May 1, 1943, the reported price shall be considered approved.

This amendment shall become effective March 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4461; Filed, March 22, 1943; 4:45 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 15 to GMPR, Order 37]

ROSS TRANSIT CO., INC.

The General Maximum Price Regulation, Order No. 37 under § 1499.75 (a) (3) of Supplementary Regulation No. 15; Docket No. GF3-2628.

For the reasons set forth in an Opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1337 *Adjustment of maximum prices for contract carrier services sold by the Ross Transit Company, Inc.* (a) The Ross Transit Company, Inc., of 1045 South Park Avenue, Kokomo, Indiana, may sell and deliver contract carrier services in connection with the transportation of iron and steel articles, and various industrial and domestic fabricated steel products from Kokomo, Indiana and Indianapolis, Indiana to points and places in the States of Indiana, Iowa, Kentucky, Ohio, Illinois, and Michigan for the Continental Steel Company, of Kokomo, Indiana, at the rates set forth in Exhibits 5 and 6 attached to and made a part of its application for adjustment filed with this Office on November 5, 1942.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 37 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 37 (§ 1499.1337) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 37 (§ 1499.1337) shall become effective March 23, 1943.

(Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4462; Filed, March 22, 1943; 4:47 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 38 Under Supp. Reg. 15 to GMPR]

KANE TRANSFER COMPANY

Order No. 38 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-1549.

For the reasons set forth in an Opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1338 *Denial of adjustment of maximum prices for transportation services sold by Kane Transfer Company, of 2116 Fifth Street, N. E., Washington, D. C.* (a) The application for adjustment filed by the above company and assigned Docket No. GF3-1549 is denied.

(b) This Order No. 38 (§ 1499.1338) shall become effective March 23, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4463; Filed, March 22, 1943; 4:44 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Service Reg. 11 Under MPR 165,[1] as Amended]

HAND LAUNDRIES IN BALTIMORE AREA

A statement of the considerations involved in the issuance of Supplementary Service Regulation No. 11 has been filed with the Division of the Federal Register.* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, Supplementary Service Regulation No. 11 is hereby issued.

§ 1499.661 *Hand laundries in the Baltimore area.* (a) Dollars-and-cents maximum prices established for laundry services sold by hand laundries located in the Baltimore area.

(1) The maximum prices established by Maximum Price Regulation No. 165 as amended—Services—for the hand laundry services specified in Table 1 are modified as hereinafter provided. The maximum prices for hand laundry services when sold by hand laundries located in the Baltimore area shall be the prices set forth in the following table:

TABLE 1—SCHEDULE FOR MAXIMUM PRICES FOR HAND LAUNDRIES IN THE BALTIMORE AREA

Laundry service:	Cents
Shirts (other than dress shirts)	15
Collars	4
Sheets	13
Pillow cases	5
Kitchen towels	4
Hand towels	4
Bath towels	5
Handkerchiefs (men's & ladies')	2½
Men's socks (pair)	5
Men's undershirts (light weight)	7
Men's undershirts (heavy weight)	10
Men's shorts	7
Men's heavy drawers	10
Union suits (light weight)	15
Union suits (heavy weight)	18
Men's pajamas	20
Uniforms (maids' & nurses')	35
Dungarees or work pants	25
Overalls	25
Unionalls	35

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060.

(2) *Definitions.* As used in this supplementary service regulation the term:

"Hand laundry" means a retail laundry establishment receiving and distributing laundry, generally finishing wearing apparel by hand ironing done on the premises, giving only limited, if any, delivery service and employing eight or less employees.

"Baltimore area" means the city of Baltimore, Maryland, and is limited to it.

(3) *Posting requirements.* Within thirty days after the issuance of this supplementary service regulation every hand laundry, the maximum prices of which are established by this supplementary service regulation, shall post on its premises in a place and manner so that it is plainly visible to the purchasing public, a placard or card to be supplied by the Maryland State Office of the Office of Price Administration containing the maximum prices established by this supplementary service regulation.

(4) *Other services supplied by hand laundries.* Services not listed in Table 1, but performed by hand laundries covered by this supplementary service regulation shall be governed by Maximum Price Regulation No. 165 as amended, or other applicable regulation.

(5) *Less than maximum prices.* Lower prices than those established by this supplementary service regulation may be charged, demanded, paid, or offered.

This Supplementary Service Regulation No. 11 shall become effective March 27, 1943.

Issued this 22d day of March, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4452; Filed, March 22, 1943; 4:40 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Service Reg. 12 Under MPR 165,[1] as Amended]

HAND LAUNDRIES IN PHILADELPHIA AREA

A statement of the considerations involved in the issuance of Supplementary Service Regulation No. 12 has been filed with the Division of the Federal Register.* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, Supplementary Service Regulation No. 12 is hereby issued.

§ 1499.662 *Hand laundries in the Philadelphia area.* (a) Dollars-and-cents maximum prices established for laundry services sold by hand laundries located in the Philadelphia area.

(1) The maximum prices established by Maximum Price Regulation No. 165 as amended—Services—for the hand laundry services specified in Table 1 are modified as hereinafter provided. The maximum prices for hand laundry services when sold by hand laundries located in the Philadelphia area shall be the prices set forth in the following table:

TABLE 1—SCHEDULE FOR MAXIMUM PRICES FOR HAND LAUNDRIES IN THE PHILADELPHIA AREA

Laundry service:	*Cents*
Shirts (other than dress shirts)	15
Sheets	15
Pillow cases	6
Face towels	5
Bath towels	6
Kitchen towels	5
Handkerchiefs (men's & ladies')	3
Men's socks, pair	5
Men's undershirts (light weight)	8
Men's undershirts (heavy weight)	10
Men's shorts	8
Men's heavy drawers	10
Men's pajamas	20
Uniforms (maids' & nurses')	40
Union suits (light weight)	16
Union suits (heavy weight)	19
Dungarees or work pants	25
Unionalls	35
Overalls	25

(2) *Definitions.* As used in this supplementary service regulation the term:

"Hand laundry" means a retail laundry establishment receiving and distributing laundry, generally finishing wearing apparel by hand ironing done on the premises, giving only limited, if any, delivery service and employing eight or less employees.

"Philadelphia area" means the counties of Northampton, Lehigh, Berks, Bucks, Montgomery, Chester, Delaware, and Philadelphia, in the Commonwealth of Pennsylvania and is limited to them.

(3) *Posting requirements.* Within thirty days after the issuance of this supplementary service regulation every hand laundry, the maximum prices of which are established by this supplementary service regulation, shall post on its premises in a place and manner so that it is plainly visible to the purchasing public, a placard or card to be supplied by the Philadelphia District Office of the Office of Price Administration containing the maximum prices established by this supplementary service regulation.

(4) *Other services supplied by hand laundries.* Services not listed in Table 1, but performed by hand laundries covered by this supplementary service regulation shall be governed by Maximum Price Regulation No. 165 as amended, or other applicable regulation.

(5) *Less than maximum prices.* Lower prices than those established by this supplementary service regulation may be charged, demanded, paid, or offered.

This Supplementary Service Regulation No. 12 shall become effective March 27, 1943.

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4453; Filed, March 22, 1943; 4:41 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Supp. Service Reg. 5,[1] to MPR 165,[2] as Amended]

HAND LAUNDRIES IN EASTERN MASSACHUSETTS AREA

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

1. The title of Supplementary Service Regulation No. 5 is amended to read as set forth above, and the headnote of § 1499.655 is amended to read as follows: "Hand Laundries in the Eastern Massachusetts Area."

2. Section 1499.655 (b) (3) is added to read as follows:

(3) "Eastern Massachusetts Area" means the areas "A", "B", "C", and "D", as defined in this supplementary service regulation.

This amendment shall become effective March 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4449; Filed, March 22, 1943; 4:43 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Dockets Nos. A-1730, Part II, and A-1769]

DISTRICT BOARD 7

ORDER GRANTING REQUEST TO POSTPONE HEARING AND POSTPONING HEARING

In the matter of the petition of District Board No. 7 for a change in the territorial boundary between Districts Nos. 7 and 8 in Nicholas County, West Virginia.

The above-entitled matter having been heretofore scheduled for hearing on March 25, 1943 at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C., by an order issued herein on March 3, 1943; and

A request that said hearing be postponed until April 19, 1943 having been filed herein by the above named petitioner; and

The Director being of the opinion that good cause for the granting of said request has been shown, and that said hearing should be postponed;

Now, therefore, it is ordered, That said request be, and same hereby is, granted and that said hearing be, and the same hereby is, postponed from March 25,

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060

[1] 7 F.R. 10557.

[2] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060.

1943 at 10 o'clock in the forenoon of that day to April 19, 1943 at 10 o'clock in the forenoon of that day, at the place and before the officer or officers heretofore designated;

It is further ordered, That said order issued herein on March 3, 1943, shall in all other respects remain in full force and effect.

Dated: March 20, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-4409; Filed, March 22, 1943; 11:19 a. m.]

[Docket No. B-198]

BOOTH, INC.

ORDER REINSTATING REGISTRATION

An order having been issued in the above entitled matter on February 26, 1943, suspending the registration of the above-named applicant for a period of ten (10) days from the date of service of a copy of said order on the applicant; and

Said order having been duly served on the above-named applicant on March 3, 1943, and said period of suspension having expired on March 13, 1943; and

It appearing from the affidavit of A. E. Booth, president and general manager of the applicant, sworn to on March 16, 1943 and filed with the Bituminous Coal Division on March 8, 1943, pursuant to the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors and of said order of suspension issued herein on February 26, 1943, that the applicant has complied with said order of suspension and with its agreements contained in its application herein, dated March 4, 1942;

Now, therefore it is ordered, That the registration of Booth, Inc., as a registered distributor, Registration No. 0928, be, and the same hereby is reinstated effective as of 12:01 a. m. on March 13, 1943.

Dated: March 19, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-4405; Filed, March 22, 1943; 11:19 a. m.]

[Docket No. B-310]

SOUTHWESTERN ILLINOIS COAL CORPORATION

ORDER CHANGING EFFECTIVE DATE OF REVOCATION AND CANCELLATION OF CODE MEMBERSHIP

An order granting amended application filed pursuant to § 301.132 of the Rules of Practice and Procedure, terminating code membership, providing for payment of tax for restoration of code membership and to cease and desist upon restoration, having been entered herein on February 27, 1943; and

The said order having revoked and canceled the membership of Southwestern Illinois Coal Corporation in the Code and *Provided,* That said revocation and cancellation should become effective fifteen (15) days from the date thereof and that prior to restoration of said membership there should be paid to the United States a tax in the amount of eight hundred twenty-nine dollars and thirty-seven cents ($829.37) as provided in section 5 (c) of the Act; and

Southwestern Illinois Coal Corporation having represented by telegram dated March 15, 1943, that it had mailed to the Collector of Internal Revenue its check for the full amount of said tax but that it had not been able to obtain a receipt for the payment thereof and therefore requested an extension of ten (10) days within which to pay said tax; and

The Director deeming it advisable that said request should be granted;

Now therefore it is ordered, That the effective date of the revocation and cancellation of code membership of Southwestern Illinois Coal Corporation provided by said order dated February 27, 1943 be and it hereby is changed from fifteen (15) days from the date of said order to twenty-five (25) days from the date of said order.

It is further ordered, That the provisions of the said order dated February 27, 1943, shall, in all other respects, remain in full force and effect.

Dated: March 19, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-4408; Filed, March 22, 1943; 11:20 a. m.]

[Docket No. A-1829]

DISTRICT BOARD 11

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 11 for an additional shipping point for coals produced from Mine Index Nos. 746 and 1354.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act, was duly filed with the Division by the above-named party requesting the temporary establishment for 60 days of an additional shipping point at the Bobolink Mine, Mine Index No. 11, for approximately 13,000 tons of Third Vein mine run entry coal produced by the Pyramid Coal Corporation at its Honey Creek Mine, Mine Index No. 746, and Victory Mine, Mine Index No. 1354, stored on the ground at its Honey Creek Mine.

By order issued February 3, 1943, 8 F.R. 1692, in the above-entitled matter temporary relief was granted the Pyramid Coal Corporation by the establishment of the Bobolink Mine as an additional shipping point for approximately 13,000 tons of Third Vein mine run entry coal produced at its Honey Creek and Victory Mines stored on the ground of its Honey Creek Mine in accordance with the Schedule marked Supplement R annexed to said order to be effective as of January 9, 1943 and to expire on March 9, 1943.

Subsequent to the date of the order of February 3, 1943, District Board No. 11 filed a motion to amend its original petition to extend the temporary relief granted by order on February 3, 1943, to apply to an additional six or seven thousand tons of coal on the Pyramid Coal Corporation stored on the ground of its Honey Creek Mine.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, that no petitions of intervention have been filed in the matter and that the following action is necessary in order to effectuate the purposes of the Act;

Now therefore, it is ordered, That the motion to amend the order of February 3, 1943, be and the same is granted in the manner set forth herein: Commencing February 27, 1943, the Pyramid Coal Corporation shall be permitted to prepare and load over its Bobolink Mine tipple, Mine Index No. 11, approximately 7,000 tons of coal stored on the ground of its Honey Creek Mine in accordance with the Schedule marked Supplement R annexed to said order of February 3, 1943, in Docket No. A-1829, in addition to the tonnage covered in said Order of February 3, 1943.

It is further ordered, That pending further order of the Director such relief granted herein shall expire April 9, 1943.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within fifteen (15) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: March 19, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-4411; Filed, March 22, 1943; 11:18 a. m.]

[Docket No. B-117]

J. C. FRY AND A. J. FRY

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

In the matter of Andrew J. Fry and J. C. Fry, individually and as co-partners, doing business under the name and style of J. C. Fry and A. J. Fry, (also known as Camp Creek Coal Co.) code member, applicants.

A complaint dated October 13, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on October 14, 1941, by Bituminous Coal Producers Board for District No. 8, complainant, with the Bituminous Coal Division (the "Division"), alleging that Andrew J. Fry and J. C. Fry, individually and as co-partners, doing business under the name and style of J. C. Fry and A. J. Fry, (also known as Camp Creek Coal Co.), wilfully violated the Bituminous Coal Code (the "Code") and rules and regulations promulgated thereunder; and

An order having been issued herein on February 26, 1943, revoking and cancelling the code membership of the above

named applicants, effective fifteen (15) days from the date of service of a copy of said order on said applicants, and ordering that prior to any reinstatement of membership in the Code there shall be paid to the United States a tax of three hundred and thirteen dollars and ninety-five cents ($313.95) as provided by section 5 (c) of the Act, and said order having been served on the above named applicants on March 3, 1943; and

An application dated March 3, 1943, for restoration of membership in the Code having been filed by said applicants with the Division on March 6, 1943; and

It appearing from said application that the above named applicants paid to the Collector of Internal Revenue at Huntington, West Virginia, on March 4, 1943, said tax of three hundred and thirteen dollars and ninety-five cents ($313.95) pursuant to said order issued February 26, 1943, and section 5 (c) of the Act, as a condition precedent to the restoration of said membership in the Code;

Now, therefore, it is ordered, That said application be, and the same hereby is, granted; and

It is further ordered, That the code membership of Andrew J. Fry and J. C. Fry, individually and as co-partners, doing business under the name and style of J. C. Fry and A. J. Fry (also known as Camp Creek Coal Co.) be, and the same hereby is, restored effective simultaneously with the date of revocation of said code membership.

Dated: March 19, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-4406; Filed, March 22, 1943; 11:18 a. m.]

[Docket No. B-118]

CAMP CREEK COAL CO.

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

In the matter of Andrew J. Fry (also known as Andrew J. Fry doing business as Camp Creek Coal Company), code member, applicant.

A complaint dated October 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on October 14, 1941, by Bituminous Coal Producers Board for District No. 8, complainant, with the Bituminous Coal Division (the "Division"), alleging that Andrew J. Fry (also known as Andrew J. Fry doing business as Camp Creek Coal Company), wilfully violated the Bituminous Coal Code (the "Code") and rules and regulations promulgated thereunder; and

An order having been issued herein on February 26, 1943 (revoking and cancelling the code membership of the above named applicant, effective fifteen (15) days from the date of service of a copy of said order on said applicant, and ordering that prior to any reinstatement of membership in the Code there shall be paid to the United States a tax of three hundred and thirteen dollars and ninety-five cents ($313.95) as provided by section 5 (c) of the Act, and said order having been served on the above named applicant on March 3, 1943; and

An application dated March 3, 1943, for restoration of membership in the Code having been filed by said applicant with the Division on March 6, 1943; and

It appearing from said application that the above named applicant paid to the Collector of Internal Revenue at Huntington, West Virginia, on March 4, 1943, said tax of three hundred and thirteen dollars and ninety five cents ($313.95) pursuant to said order issued February 26, 1943, and section 5 (c) of the Act, as a condition precedent to the restoration of said membership in the Code;

Now, therefore, it is ordered, That said application be, and the same hereby is, granted; and

It is further ordered, That the code membership of Andrew J. Fry, (also known as Andrew J. Fry doing business as Camp Creek Coal Company) be, and the same hereby is, restored effective simultaneously with the date of revocaminimum prices for the coals of certain

Dated: March 19, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-4407; Filed, March 22, 1943; 11:19 a. m.]

[Docket Nos. A-1827 and A-1827, Part II]

DISTRICT BOARD 13

ORDER WITHDRAWING PETITION, TERMINATING TEMPORARY RELIEF AND CANCELLING HEARING

In the matter of the petition of District Board No. 13 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 13. In the matter of the petition of District Board No. 13 for the establishment of price classifications and minimum prices for the Size Group 10 coals of the New River Mine for rail shipment.

Pursuant to section 4 II (d) of the Act, District Board No. 13 filed an original petition in Docket No. A-1827 requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 13, including the coals in Size Group 10 produced for rail shipment at the New River Mine (Mine Index No. 21) of Brookside-Pratt Mining Company. Pursuant to an order issued March 11, 1943, so much of the matter in said petition as pertains to the coals in Size Group 10 produced for rail shipment at the New River Mine of Brookside-Pratt Mining Company was severed from Docket No. A-1827 and hearing in said Docket No. A-1827, Part temporary relief was granted, and a hearing in said Docket No. A-1827, Part II was scheduled to be held on March 22, 1943.

District Board No. 13 now requests that so much of its original petition as pertains to coals produced at the said New River Mine of Brookside-Pratt Mining Company should be withdrawn and has shown good cause therefor.

Now, therefore, it is ordered, That so much of the petition in the above-entitled matter as pertains to the coals in Size Group 10 produced at the New River Mine (Mine Index No. 21) of the Brookside-Pratt Mining Company in District No. 13 be, and the same hereby is withdrawn.

It is further ordered, That the temporary relief heretofore granted in the above-entitled matter with respect to the coals in Size Group 10 produced for rail shipment at the New River Mine (Mine Index No. 21) of the Brookside-Pratt Mining Company in District No. 13, be, and the same hereby is terminated.

It is further ordered, That the hearing in the above-entitled matter heretofore scheduled to be held on March 22, 1943, be, and the same hereby is cancelled.

Dated: March 20, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-4410; Filed, March 22, 1943; 11:18 a. m.]

[Docket No. B-364]

RIO GRANDE COAL CO.

ORDER POSTPONING HEARING

In the matter of E. K. Olson, W. F. Olson, Francis Bradley, and Mrs. George M. Hansen, individually and as partners doing business under the name and style of Rio Grande Coal Company, code member.

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of April 2, 1943, at a hearing room of the Bituminous Coal Division (the "Division") at the County Court Room, Price, Utah, by Notice of and order for hearing dated February 19, 1943; and

The above-named code member having duly filed herein with the Division on March 8, 1943, an application dated March 2, 1943, for disposition of the above-entitled matter without formal hearing pursuant to § 301.132 of the rules of practice and procedure, which application was denied by telegram dated March 11, 1943; and

The above-named code member having filed with the Division on March 17, 1943, a supplemental admission pursuant to said § 301.132, amending the aforesaid application dated March 2, 1943; and

The Director deeming it advisable to postpone said hearing in order to consider said application, as amended;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same hereby is postponed from 10 o'clock in the forenoon of April 2, 1943, at a hearing room of the Bituminous Coal Division at the County Court Room, Price, Utah, to a time and place to be hereafter designated by appropriate order.

Dated: March 22, 1943.

DAN H. WHEELER,
Director.

[F. R. Doc. 43-4471; Filed, March 23, 1943; 10:43 a. m.]

[Docket No. A-1737]

DISTRICT BOARDS 7 AND 8

ORDER POSTPONING HEARING

In the matter of the petition of District Boards Nos. 7 and 8 for an increase in minimum prices, pursuant to section 4 II (a) and (b) of the Bituminous Coal Act of 1937.

Bituminous Coal Producers Board for District No. 3, an interested party in the above-entitled matter, filed a motion on March 17, 1943 requesting that the hearing in said matter heretofore scheduled for March 24, 1943 be postponed until April 15, 1943. In support of this motion Bituminous Coal Producers Board for District No. 3 submits that the wage negotiations between the United Mine Workers of America and the coal operators in the Appalachian area are now in progress and that any changes in costs which might result from any new agreement which might be entered into with the United Mine Workers of America should be taken into consideration at the hearing in this docket. Bituminous Coal Producers Board for District No. 3 further submits that it is authorized to state that Bituminous Coal Producers Boards for Districts Nos. 1, 2, 4, 6 and 10 approve the motion and join therein.

Good cause has been shown why said motion should be granted.

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from March 24, 1943 to April 15, 1943 at the time and place heretofore designated.

Dated: March 20, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-4472; Filed, March 23, 1943; 10:43 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Amendment of Vesting Order 225]

INTEREST OF FRIED, KRUPP, A. G., IN CERTAIN CONTRACTS

Vesting Order Number 225 of October 9, 1942, is hereby amended as follows and not otherwise:

By changing the number "1,557,614" appearing in Exhibit A attached thereto and made a part thereof to "1,587,614".

All other provisions of such Vesting Order Number 225 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 1, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-4373; Filed, March 22, 1943; 11:11 a. m.]

[Vesting Order 655]

CARMELITA MUELLER MEYERHOFF

Re: Capital stock and accrued dividends owned by Carmelita Mueller Meyerhoff.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, and interest of Carmelita Mueller Meyerhoff, whose last known address was represented to the undersigned as being Goettingen, Germany, in and to property described as follows:

(a) 1000 fully paid and non-assessable shares of $15 par value capital stock of the Hutchinson Sugar Plantation Company, San Francisco, California,

(b) 300 shares common capital stock of the Hawaiian Commercial & Sugar Company, Ltd., c/o Alexander & Baldwin, Ltd., Honolulu, Hawaii, and

(c) Accrued dividends on the above described 300 shares of Hawaiian Commercial & Sugar Company, Ltd., stock,

is property within the United States owned and controlled by a national of a designated enemy country (Germany), and determining that such property is necessary for the maintenance or safeguarding of other property belonging to the same national of the same designated country and subject to vesting pursuant to Section 2 of said Executive Order (and in fact vested by the undersigned pursuant to Vesting Order Number 165 issued by him under date of September 24, 1942), and further determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Cuctodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on January 9, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-4374; Filed, March 22, 1943; 11:09 a. m.]

[Vesting Order 772]

AMERICAN GIESE WIRE CORPORATION

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that J. H. Rud. Giese, a sole proprietorship of Westig, Westphalia, Germany, is a national of a designated enemy country (Germany);

2. Finding that Hans Giese is a citizen of Germany, whose last known address is Westig, Westphalia, Germany, and is a national of a designated enemy country (Germany);

3. Finding that Svensk-Amerikanska Tradkompaniet Aktiebolag is a corporation organized and existing under the laws of the Kingdom of Sweden;

4. Determining that said Svensk-Amerikanska Tradkompaniet Aktiebolag is controlled by or acting for or on behalf of or as a cloak for said J. H. Rud. Giese and is, therefore, a national of a designated enemy country (Germany);

5. Finding that 100 shares of $100 par value capital stock of American Giese Wire Corporation, a New York corporation, New York, New York, are owned by the aforesaid persons in the following respective amounts:

Names and Number of Shares

Svensk-Amerikanska Tradkompaniet Aktiebolag, 97 (registered in the name of Svensk-Amerikanska Tradkompaniet).

Hans Giese, 1 (registered in the name of Hans Giese).

J. H. Rud. Giese, 2 (one of which is registered in the name of Aaron Edwards and one in the name of Horst A. Wegener).

Total, 100.

6. Finding that said corporation is a business enterprise within the United States and that said 100 shares of stock constitute all of the outstanding capital stock of said business enterprise and represent ownership thereof;

7. Determining, therefore, that said business enterprise is controlled by and acting for or on behalf of the aforesaid persons and is a national of a designated enemy country (Germany);

8. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

9. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

10. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the shares of stock described in subparagraph 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on January 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–4375; Filed, March 22, 1943; 11:08 a. m.]

[Vesting Order 906]

K. K. SANYO SHOKAI

Re: Casting machinery owned by K. K. Sanyo Shokai.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that K. K. Sanyo Shokai is a corporation organized under the laws of Japan with its principal office in Tokyo, Japan, and is a national of a designated enemy country (Japan);

2. Finding that twenty-eight (28) cases of casting machinery located at Atlantic Dock Stores Warehouse of New York Dock Company, Pioneer Street, Brooklyn, New York, New York, are owned by said K. K. Sanyo Shokai, and therefore are property within the United States owned or controlled by a national of a designated enemy country (Japan);

3. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Japan);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such futher time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on February 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–4376; Filed, March 22, 1943; 11:08 a. m.]

[Vesting Order 925]

I. G. FARBENINDUSTRIE A. G.

Re: Contract rights of I. G. Farbenindustrie A. G.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that I. G. Farbenindustrie A. G., a corporation organized under the laws of Germany and having a place of business at Frankfort-on-the-Main, Germany, is a national of a foreign country (Germany);

2. Finding that said I. G. Farbenindustrie A. G. is the owner of the interest described in subparagraph 3 hereof;

3. Finding, therefore, that the property described as follows:

The interest of I. G. Farbenindustrie A. G. in and to an agreement dated July 1, 1937, by and between I. G. Farbenindustrie A. G. and Woburn Degreasing Company of New Jersey, relating to United States Letters Patent No. 1,892,258, together with all accrued royalties and other monies payable or held with respect to such interest,

is property payable or held with respect to a patent or right related thereto in which an interest is held by, and such property itself constitutes an interest held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on February 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–4377; Filed, March 22, 1943; 11:10 a. m.]

[Vesting Order 928]

I. G. FARBENINDUSTRIE, A. G.

Re: Two patent applications of I. G. Farbenindustrie, A. G.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that I. G. Farbenindustrie, A. G. is a corporation organized under the laws of Germany, doing business at Frankfurt on-the-Main, Germany, and is a national of a foreign country (Germany);

2. Finding that said I. G. Farbenindustrie, A. G. is the owner of the patent applications more particularly described in subparagraph 3 hereof;

3. Finding therefore that the patent applications identified as follows:

Serial No.	Filing date	Inventor	Title
368,858	12/6/40	F. Laucht	Production of alicyclic ketones from alicyclic alcohols.
374,864	1/17/41	G. Wiest et al.	Pimelic acid derivatives disubstituted in the Y-position and a process for preparing same.

are property of a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consulta-

tion and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on February 22, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–4378; Filed, March 22, 1943; 11:10 a. m.]

[Vesting Order 929]

PIONEER POTASH CORPORATION

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that German Potash Syndicate (Deutsches Kalisyndikat G. m. b. H.), a business enterprise with its principal office in Berlin, Bermany, is a national of a designated enemy country (Germany);

2. Finding that Verrekeningskantoor ("Leata"), located in Amsterdam, Holland, is a corporation organized under the laws of The Netherlands, all of whose issued and outstanding capital stock is owned by German Potash Syndicate;

3. Determining that said Verrekeningskantoor ("Leata") is controlled by and acting for and on behalf of said German Potash Syndicate, and therefore, is a national of a designated enemy country (Germany);

4. Finding that N. V. tot Financiering van Industrieele Ondernemeingen Finindo, located in Amsterdam, Holland, is a corporation organized under the laws of The Netherlands, all of whose issued and outstanding capital stock is owned by Verrekeningskantoor ("Leata");

5. Determining that said N. V. tot Financiering van Industrieele Ondernemeingen Finindo is controlled by and acting for and on behalf of said German Potash Syndicate, and, therefore, is a national of a designated enemy country (Germany);

6. Finding that 4,000 shares of $100 par value common capital stock of Pioneer Potash Corporation, a Delaware corporation, New York, New York, are registered in the name of and owned by said N. V. tot Financiering van Industrieele Ondernemeingen Finindo;

7. Finding that said Pioneer Potash Corporation is a business enterprise within the United States and that said 4,000 shares of stock constitute all of its outstanding capital stock and are evidence of ownership thereof;

8. Determining, therefore, that said Pioneer Potash Corporation is controlled by and acting for and on behalf of said German Potash Syndicate, and, therefore, is a national of a designated enemy country (Germany);

9. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

10. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

11. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the shares of stock described in subparagraph 6 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of Pioneer Potash Corporation to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on February 22, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–4379; Filed, March 22, 1943; 11:08 a. m.]

[Vesting Order 930]

BOARD OF TRADE FOR GERMAN-AMERICAN COMMERCE, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Board of Trade for German-American Commerce, Inc., is a membership corporation organized under the laws of and doing business in the State of New York, and is a business enterprise within the United States;

2. Finding that among the members of Board of Trade for German-American Commerce, Inc., are many persons, firms and corporations who reside in, or whose principal places of business are in, Germany, and who are nationals of a designated enemy country (Germany);

3. Finding that substantial contributions to the income of Board of Trade for German-American Commerce, Inc. came from, or were paid on behalf of, persons, firms and corporations residing in, or whose principal places of business were in, Germany, and who are nationals of a designated enemy country (Germany);

4. Determining that Board of Trade for German-American Commerce, Inc. acted for and on behalf of nationals of a designated enemy country (Germany), and is a national of a designated enemy country (Germany);

5. Finding that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to Board of Trade for German-American Commerce, Inc.,

is property of a business enterprise within the United States which is a national of the aforesaid designated enemy country (Germany);

6. Determining that to the extent that the aforesaid nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon,

on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on February 22, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–4380; Filed, March 22, 1943; 11:09 a. m.]

[Vesting Order 960]

CONTRACT RIGHTS OF HANS THOMA

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Hans Thoma of Karlsruhe, Baden, Germany, is a national of a foreign country (Germany);

2. Finding that said Hans Thoma is the owner of the interest described in subparagraph 4 hereof;

3. Finding that the heirs, executors, administrators and assigns, if any, of said Hans Thoma are nationals of a foreign country (Germany);

4. Finding, therefore, that the property described as follows:

The interest of said Hans Thoma and the aforesaid heirs, executors, administrators and assigns, and each of them, in, to and under an agreement between said Hans Thoma and Hanseatic Corporation, New York, New York, dated May 6, 1933, relating to patents Nos. 2,150,950, 2,154,710 and 2,198,891, including all accrued royalties and other monies payable or held with respect to said interest and all damages for breach of said agreement, together with the right to sue therefor,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national or nationals of a foreign country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 4, to he held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on February 24, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–4381; Filed, March 22, 1943; 11:10 a. m.]

[Vesting Order 961]

CONTRACT RIGHT OF LEONHARD CREMER

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Leonhard Cremer is a resident of Bad Kreuznach, Germany, and is a national of a foreign country (Germany);

2. Finding that said Leonhard Cremer is the owner of the interest described in subparagraph 4 hereof;

3. Finding that the heirs, executors, administrators and assigns, if any, of said Leonhard Cremer are nationals of a foreign country (Germany);

4. Finding, therefore, that the property described as follows:

The interest of said Leonhard Cremer and the aforesaid heirs, executors, administrators and assigns, and each of them, in and under an agreement or agreements between said Leonhard Cremer and Arthur Herrmann, evidenced by a letter dated January 18, 1940 from said Leonhard Cremer to Arthur Herrmann, and relating to United States Letters Patent No. 2,245,389, including all accrued royalties and other monies payable or held with respect to said interest and all damages for breach of said agreement or agreements, together with the right to sue therefor,

is property payable or held with respect to a patent or right related thereto in which interests are held by, and such property itself constitutes interests held therein, a national or nationals of a foreign country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 4, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on February 24, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–4382; Filed, March 22, 1943; 11:10 a. m.]

[Vesting Order 962]

CONTRACT RIGHTS OF ERNST FUES

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Ernst Fues is a resident of Hanau an Main, Germany, and is a national of a foreign country (Germany);

2. Finding that said Ernst Fues is the owner of the interest described in subparagraph 4 hereof;

3. Finding that the heirs, executors, administrators and assigns, if any, of said Ernst Fues are nationals of a foreign country (Germany);

4. Finding, therefore, that the property described as follows:

The interest of said Ernst Fues and the aforesaid heirs, executors, administrators and assigns, and each of them, in and under a certain contract dated October 25, 1932 by and between said Ernst Fues and Anthony W. Deller, which contract relates to United States Patent Application Serial No. 630,532, now United States Patent No. 2,024,635, including all accrued royalties and other monies held or payable with respect to said interest and all damages for breach of said contract together with the right to sue therefor,

is property payable or held with respect to a patent or right related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national or nationals of a foreign country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 4, to be held, used, administered, liquidated, sold or otherwise

dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on February 24, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-4383; Filed, March 22, 1943; 11:10 a. m.]

[Vesting Order 965]

I. G. FARBENINDUSTRIE AKTIENGESELLSCHAFT

Re: Contract rights of I. G. Farbenindustrie Aktiengesellschaft.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. Finding that I. G. Farbenindustrie Aktiengesellschaft has an interest, more particularly described in subparagraph 4 hereof, in and under a certain contract by and between said I. G. Farbenindustrie Aktiengesellschaft and Carbide and Carbon Chemicals Corporation, a New York corporation;

3. Finding that the successors, assigns, and affiliates, if any, of said I. G. Farbenindustrie Aktiengesellschaft are nationals of a foreign country (Germany);

4. Finding, therefore, that the property described as follows:

The interest of I. G. Farbenindustrie Aktiengesellschaft, and its successors, assigns, and affiliates, and each of them, in and under a certain contract relating inter alia to U. S. Letters Patent Nos. 1,944,731 and 1,944,732 and dated April 17, 1939, by and between said I. G. Farbenindustrie Aktiengesellschaft and the Carbide and Carbon Chemicals Corporation, a New York corporation, including all amendments of and supplements to said contract, together with all accrued royalties and other monies payable or held with respect to said interest, and all damages for breach of said contract together with the right to sue therefor,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national or nationals of a foreign country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 4, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on March 1, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-4384; Filed, March 22, 1943; 11:11 a. m.]

[Vesting Order 966]

I. G. FARBENINDUSTRIE AKTIENGESELLSCHAFT

Re: Contract rights of I. G. Farbenindustrie Aktiengesellschaft.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of and having its principal place of business in Germany, and is a national of a foreign country (Germany);

2. Finding that I. G. Farbenindustrie Aktiengesellschaft has interests, in and under certain contracts between it and The New Jersey Zinc Company, a New Jersey corporation, and between it and The Grasselli Chemical Company, a Delaware corporation, more particularly described in Exhibit A attached hereto and made a part hereof;

3. Finding that the successors and assigns, if any, of said I. G. Farbenindustrie Aktiengesellschaft are nationals of a foreign country (Germany);

4. Finding therefore that the property described as follows:

The interests of I. G. Farbenindustrie Aktiengesellschaft, its successors and assigns, and each of them, described in said Exhibit A,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national or nationals of a foreign country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 4 to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on March 1, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

1. The interest of I. G. Farbenindustrie Aktiengesellschaft, a Germany corporation, its successors and assigns, in and under a certain contract relating, inter alia, to United States Patent No. 1,693,902 and dated March 26, 1932, by and between said I. G. Farbenindustrie Aktiengesellschaft and The New Jersey Zinc Company, a New Jersey corporation, and all amendments of and supplements to said contract including, but not by way of limitation, two supplemental contracts dated February 7, 1936 and March 1, 1940, respectively, and all accrued royalties and other monies payable or held with respects to said interest, and all damages for breach of said contract together with the right to sue therefor.

2. The interest of I. G. Farbenindustrie Aktiengesellschaft, a Germany corporation, its successors and assigns, in and under a certain contract relating, inter alia, to United States Patent No. 1,693,902 and dated September 7, 1931, by and between the said I. G. Farbenindustrie Aktiengesellschaft and The Grasselli Chemical Company, a Delaware corporation, and all amendments of and supplements to said contract, including, but not by way of limitation, amendments thereto set out in a certain letter dated October 15, 1931 from The Grasselli Chemical Company to I. G. Farbenindustrie Aktiengesellschaft, and all accrued royalties and other monies payable or held with respect to said interest, and all damages for breach of said contract together with the right to sue therefor.

[F. R. Doc. 43-4385; Filed, March 22, 1943; 11:11 a. m.]

[Vesting Order 967]

I. G. FARBENINDUSTRIE AKTIENGESELLSCHAFT

Re: Contract rights of I. G. Farbenindustrie Aktiengesellschaft.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order Number 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. Finding that I. G. Farbenindustrie Aktiengesellschaft has interests and property, more particularly described in Exhibit A attached hereto and made a part hereof, in and under a certain contract between said I. G. Farbenindustrie Aktiengesellschaft and the Synthetic Nitrogen Products Corporation;

3. Finding that the successors and assigns, if any, of said I. G. Farbenindustrie Aktiengesellschaft are nationals of a foreign country (Germany);

4. Finding, therefore, that the property described as follows:

The interests and property of I. G. Farbenindustrie Aktiengesellschaft, its successors and assigns, and each of them, described in said Exhibit A,

is property payable or held with respect to a patent or right related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national or nationals of a foreign country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 4, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on March 1, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

The entire right, title and interest, both legal and equitable, of I. G. Farbenindustrie Aktiengesellschaft, a German corporation, and its successors and assigns, in, to and under:

(a) a certain contract by and between the said I. G. Farbenindustrie Aktiengesellschaft and Synthetic Nitrogen Products Corporation, a New York corporation, which contract relates, inter alia, to United States Letters Patent No. 2,079,324 and is evidenced in part by a document signed October 24, 1939 by said Synthetic Nitrogen Products Corporation, including all amendments of and supplements to said contract; and

(b) all monies, claims, rights and other property heretofore accrued and arising by reason of said contract.

[F. R. Doc. 43-4386; Filed, March 22, 1943; 11:11 a. m.]

[Vesting Order 969]

YOSHIHARU YOKOMIZO

Re: Certain real property in California and a bank account owned by Yoshiharu Yokomizo.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order Number 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Yoshiharu Yokomizo is a citizen of the United States whose last known address is Japan, and is a national of a designated enemy country (Japan);

2. Finding that Yoshiharu Yokomizo is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of Yoshiharu Yokomizo in and to that certain real property located at 670 32nd Street, Oakland, California, more particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all fixtures, improvements, and appurtenances thereto and any and all claims of Yoshiharu Yokomizo for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of any name or nature whatsoever of the aforesaid Yoshiharu Yokomizo, in and to any and all obligations (contingent or otherwise and whether or not matured) owing to him by Bank of America National Trust & Savings Association, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness, and including particularly the bank account in Oakland Main Office, Oakland, California, of Bank of America National Trust & Savings Association, carried in said bank in the name of Clifford W. Nelle, Trustee for Yoshiharu Yokomizo,

is property within the United States owned or controlled by a national of the aforesaid designated enemy country (Japan);

4. Determining that the property hereinbefore described in subparagraph 3-b is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Japan);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on March 1, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that certain lot, piece or parcel of land, situate lying and being in the City of Oakland, County of Alameda, State of California, and bounded and particularly described as follows, to-wit:

Beginning at a point on the Northern line of 32nd Street, distant thereon Westerly One

Hundred Forty-one and 96/100 feet from the point of intersection thereof with the Western line of Grove Street; running thence Westerly along said line of 32nd Street, Thirty feet; thence at right angles Northerly, One Hundred Twenty-seven and 74/100 feet to a point on the Southern line of Brookhurst Street; thence Easterly along said line of Brookhurst Street, Thirty and 13/100 feet; thence Southerly in a direct line One Hundred Twenty-four and 935/1000 feet to the point of beginning.

Being a portion of Block Lettered "G", as said block is delineated and so designated upon that certain Map entitled "Map of the Property of the Central Land Company, formerly known as the Brown Tract"—filed November 25, 1873 in Book 2 of Maps, at page 26, in the office of the County Recorder of Alameda County, and

Being a portion of Block Numbered 2042, as said block is delineated and so designated upon that certain Map entitled, "Map of the Rowland Tract, Oakland"—filed February 16, 1878 in Book 5 of Maps, at page 26, in the office of the County Recorder of Alameda County.

[F. R. Doc. 43-4387; Filed, March 22, 1943; 11:08 a. m.]

[Vesting Order 1001]

PHILLIPS AND VAN ORDEN COMPANY, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Virginia A. (Phillips) Dalla Rosa-Prati is a citizen of Italy whose last known address is the Italian diplomatic post at Lisbon, Portugal, and is a national of a designated enemy country (Italy);

2. Finding that Phillips and Van Orden Company, Inc., a California corporation, San Francisco, California, is a business enterprise within the United States and has a total issued and outstanding capital stock consisting of 7,500 shares of common stock;

3. Finding that 4,986 shares of the aforesaid capital stock are registered in the names of and owned by Margaret A. Phillips and the aforesaid Virginia A. (Phillips) Dalla Rosa-Prati, as joint tenants with the right of survivorship, and that such interest of said Virginia A. (Phillips) Dalla Rosa-Prati in said 4,986 shares constitutes a substantial interest in said business enterprise;

4. Finding, therefore, that said business enterprise is a national of a designated enemy country (Italy);

5. Finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of said Virginia A. (Phillips) Dalla Rosa-Prati in and to all obligations, contingent or otherwise and whether or not matured, owing to her by said Phillips and Van Orden Company, Inc., including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to sue for and collect such obligations, and including particularly the amount allocated by said company to Virginia A (Phillips) Dalla Rosa-Prati as stock dividends in 1942.

is an interest in the aforesaid business enterprise held by a national of an enemy country, and also is property within the United States owned or controlled by a national of a designated enemy country (Italy);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Italy);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian (a) the undivided interest of the aforesaid Virginia A. (Phillips) Dalla Rosa-Prati in the 4,986 shares of stock mentioned in subparagraph 3 hereof, (b) the property described in subparagraph 5 hereof and (c) all other interests of whatsoever nature which she might have in said business enterprise, to be held, used, administered, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on March 2, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-4388; Filed, March 22, 1943; 11:11 a. m.]

[Vesting Order 1022]

RADIOAKTIENGESELLSCHAFT D. S. LOEWE

Re: Contract rights of Radioaktiengesellschaft D. S. Loewe.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Radioaktiengesellschaft D. S. Loewe is a German corporation doing business at Berlin-Steglitz, Germany, and is a national of a foreign country (Germany);

2. Finding that said Radioaktiengesellschaft D. S. Loewe is the owner of the interest described in subparagraph 3 hereof;

3. Finding, therefore, that the interest of Radioaktiengesellschaft D. S. Loewe in and to the following contracts:

a. Contract dated April 5, 1933, by and between Radioaktiengesellschaft D. S. Loewe and Loewe Radio Company, Ltd., relating to patent rights in countries outside of Germany, together with all right to receive moneys, credits or other payments arising from such contract,

b. Contract dated May 12, 1939, by and between Loewe Radio, Inc., Loewe Radio Company, Ltd., and Radio Corporation of America relating to patent rights, together with all right to receive moneys, credits or other payments arising from such contract,

is property payable or held with respect to patents or rights related thereto in which an interest is held by, and such property itself constitutes an interest held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on March 4, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-4389; Filed, March 22, 1943; 11:10 a. m.]

[Vesting Order 1038]

AMERICAN CITIZENS LIFE INSURANCE COMPANY

Re: 59.41% of the capital stock of The American Citizens Life Insurance Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

5,941 shares (which constitute a substantial part, namely, 59.41%, of all outstanding shares) of $10 par value common capital stock of The American Citizens Life Insurance Company, an Ohio corporation, Columbus, Ohio, which is a business enterprise within the United States, the names of the owners of which, and the number of shares owned by them respectively, are as follows:

Names	Number of shares
Ince and Company holding for the benefit of Assicurazioni Generali di Trieste e Venezia, a corporation organized under the laws of the Kingdom of Italy	4,200
J. B. Glenn holding for the benefit of the aforesaid Assicurazioni Generali di Trieste e Venezia	1,291
Ignazio Hornik holding for the benefit of the aforesaid Assicurazioni Generali di Trieste e Venezia	450
Total	5,941

is property of, and represents control of said business enterprise which is, a national of a designated enemy country (Italy); and

(b) That the property described as follows:

Surplus certificates in the aggregate face amount of $8,400 issued by the aforesaid The American Citizens Life Insurance Company and held by Ince and Company for the benefit of the aforesaid Assicurazioni Generali di Trieste e Venezia, and

Surplus certificates in the aggregate face amount of $2,582 issued by the aforesaid The American Citizens Life Insurance Company and held by J. B. Glenn for the benefit of the aforesaid Assicurazioni Generali di Trieste e Venezia,

is an interest in the aforesaid business enterprise held by a national or an enemy country, and also is property within the United States owned or controlled by a national of a designated enemy country (Italy);

and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Italy), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on March 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–4390; Filed, March 22, 1943; 11:09 a. m.]

[Vesting Order 1040]

FRIED. KRUPP AKTIENGESELLSCHAFT AND PANTENA A. G.

Re: Contract rights of Fried Krupp Aktiengesellschaft and Pantena A. G.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Fried. Krupp Aktiengesellschaft, a corporation organized under the laws of Germany and doing business at Essen, Germany, is a national of a foreign country (Germany);

2. Finding that Pantena A. G., a corporation organized under the laws of Switzerland and doing business at Glarus, Switzerland, is acting for the benefit of and on behalf of Fried Krupp Aktiengesellschaft, and is a national of a foreign country (Germany);

3. Finding that Fried. Krupp Aktiengesellschaft and Pantena A. G. have interests in and under the agreement hereinafter described in subparagraph 4;

4. Finding, therefore, that the property described as follows:

The interests of Fried. Krupp Aktiengesellschaft and Pantena A. G., and each of them, in and to an agreement executed November 5, 1928, by and between Fried. Krupp Aktiengesellschaft and General Electric Company, relating to hard metal compositions and the patent rights connected therewith, subject to and including all interpretations and modifications thereof, and including, but not by way of limitation, an agreement dated April 23, 1936, between the same parties, and supplements thereto, and all agreements by way of exchange of letters as of April 23, 1936, May 11, 1936, and other dates, together with all accrued royalties and other monies payable or held with respect to such interests,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 4 to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on March 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–4391; Filed, March 22, 1943; 11:10 a. m.]

[Vesting Order 1048]

ORANGE PETROLEUM CORPORATION

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order Number 63 of July 28, 1942, that Orange Petroleum Corporation, a Delaware corporation, is a business enterprise within the United States and is a national of a designated enemy country (Japan);

2. Finding that Kawasaki Dockyard Company, Ltd., Kobe, Japan, and its successor Kawasaki Heavy Industries, Ltd., Osaka, Japan, are Japanese corporations and are nationals of a designated enemy country (Japan);

3. Finding that 12 shares of no par value common capital stock of said Orange Petroleum Corporation, registered as follows:

Names:	Number of shares
J. O. Sims	1
Kaname Andrew Susuki	1
H. J. L. Stark	1
William C. Blind	1
W. N. Remkes	1
Tokusuke (Tokanosuke) Yajima	2
K. Kishi	5
Total	12

are beneficially owned by said Kawasaki Dockyard Company, Ltd., Kobe, Japan, and/or its successor, Kawasaki Heavy Industries, Ltd., Osaka, Japan, and represent an interest in said Orange Petroleum Corporation;

4. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the

United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the 12 shares of stock referred to in subparagraph 3 hereof, to be held, used, administered, liquidated, or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on March 11, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–4392; Filed, March 22, 1943; 11:07 a. m.]

[Vesting Order 1050]

CONTRACT RIGHTS OF MAURICE CLAUDE

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Maurice Claude, a resident of Issy-les-Moulineaux, France, is a national of a foreign country (France);

2. Finding that said Maurice Claude has an interest in the agreement described in subparagraph 4 hereof;

3. Finding that the heirs, executors, administrators and assigns, if any, of said Maurice Claude are nationals of a foreign country (France);

4. Finding, therefore, that the property described as follows:

The interest of Maurice Claude, his heirs, executors, administrators and assigns, and each of them, in and under an agreement relating to patents, dated June 3, 1935, between said Maurice Claude and The Linde Air Products Company, an Ohio corporation, including all accrued royalties and other monies payable or held with respect to said interest, and all damages for breach of said agreement, together with the right to sue therefor,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national or nationals of a foreign country (France);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 4 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on March 11, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–4393; Filed, March 22, 1943; 11:09 a. m.]

[Vesting Order 1063]

TSUTAKAWA & CO.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order Number 96 of August 6, 1942, that Tsutakawa & Co., a corporation organized under the laws of Washington, is a business enterprise within the United States and is a national of a designated enemy country (Japan);

2. Finding that S. Tsutakawa, whose last known address is Kobe, Japan, is a national of a designated enemy country (Japan);

3. Finding that 2 shares of $100 par value common capital stock of Tsutakawa Co. are registered as follows:

Names:	*Number of shares*
Van C. Griffin	1
B. Roy Anderson	1
Total	2

and are beneficially owned by the said S. Tsutakawa;

4. Finding therefore that the aforesaid two shares of stock are property of a national of a designated enemy country (Japan) and represent an interest in said business enterprise;

5. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the 2 shares of stock referred to in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on March 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–4394; Filed, March 22, 1943; 11:07 a. m.]

[Vesting Order 1082]

MEIJI FIRE INSURANCE COMPANY, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Meiji Fire Insurance Company, Ltd., a Japanese corporation, Tokio, Japan, is a national of a designated enemy country (Japan);

2. Finding that said Meiji Fire Insurance Company, Ltd. has an established United States Branch at New York, New York, engaged in the conduct of business within the United States and therefore is, to that extent, a business enterprise within the United States;

3. Finding that the property of such United States Branch of said Meiji Fire Insurance Company, Ltd. is in the process of administration and liquidation by the Superintendent of Insurance of the State of New York acting under judicial supervision of the Supreme Court of the State of New York;

4. Finding, therefore, that the property described as follows:

The excess proceeds of the business, property and affairs of said United States Branch of Meiji Fire Insurance Company, Ltd. in possession of the Superintendent of Insurance of the State of New York, or which may hereafter come into his possession or to which he may be entitled under and by virtue of the Insurance Law of the State of New York, including but not limited to the excess proceeds of all assets of any nature whatsoever, owned or controlled by or payable or deliverable to or held on behalf of or on account of or owing to the said United States Branch of said Meiji Fire Insurance Company, Ltd., remaining after payment of the claims of domestic creditors of the said United States Branch, which have been or may hereafter be allowed in accordance with the Insurance Law of the State of New York, together with interest on such claims and the expenses of liquidation,

is property within the United States owned or controlled by a national of a designated enemy country (Japan) and also is property which is payable or deliverable to, or claimed by, a national of a designated enemy country (Japan) and which is in the process of administration and liquidation by a person acting under judicial supervision;

5. Finding also that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, said Meiji Fire Insurance Company, Ltd., other than the business, property and affairs of the United States Branch of said Meiji Fire Insurance Company, Ltd., referred to in subparagraph 4 hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

6. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Japan);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraphs 4 and 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Nothing in this order is intended to affect the right and power of the Superintendent of Insurance of the State of New York to continue to retain possession of, collect and liquidate the business, property and affairs of said United States Branch of said Meiji Fire Insurance Company, Ltd. referred to in subparagraph 4 hereof, and in the course thereof, to do such acts and perform such duties (not inconsistent herewith) as may be required or permitted to said Superintendent of Insurance by and in accordance with and subject to the provisions of the Insurance Law of the State of New York: *Provided, however,* That after the claims of the domestic creditors of said United States Branch referred to in said subparagraph 4 together with interest thereon and the expenses of liquidation, have been paid in full, the remaining assets of said United States Branch and/or the proceeds thereof in the possession of the said Superintendent of Insurance, or to which he may be or become entitled, shall be held for the account of and subject to the further order of the Alien Property Custodian.

The property herein vested, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on March 15, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–4395; Filed, March 22, 1943; 11:08 a. m.]

[Vesting Order 1083]

SUMITOMO MARINE AND FIRE INSURANCE COMPANY, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Sumitomo Marine and Fire Insurance Company, Ltd., a Japanese corporation, Tokio, Japan, is a national of a designated enemy country (Japan);

2. Finding that said Sumitomo Marine and Fire Insurance Company, Ltd., has an established United States Branch at New York, New York, engaged in the conduct of business within the United States and therefore is, to that extent, a business enterprise within the United States;

3. Finding that the property of such United States Branch of said Sumitomo Marine and Fire Insurance Company, Ltd., is in the process of administration and liquidation by the Superintendent of Insurance of the State of New York acting under judicial supervision of the Supreme Court of the State of New York;

4. Finding, therefore, that the property described as follows:

The excess proceeds of the business, property and affairs of said United States Branch of Sumitomo Marine and Fire Insurance Company, Ltd. in possession of the Superintendent of Insurance of the State of New York, or which may hereafter come into his possession or to which he may be entitled under and by virtue of the Insurance Law of the State of New York, including but not limited to the excess proceeds of all assets of any nature whatsoever, owned or controlled by or payable or deliverable to or held on behalf of or on account of or owing to the said United States Branch of said Sumitomo Marine and Fire Insurance Company, Ltd., remaining after payment of the claims of domestic creditors of the said United States Branch, which have been or may hereafter be allowed in accordance with the Insurance Law of the State of New York, together with interest on such claims and the expenses of liquidation,

is property within the United States owned or controlled by a national of a designated enemy country (Japan) and also is property which is payable or deliverable to, or claimed by, a national of a designated enemy country (Japan) and which is in the process of administration and liquidation by a person acting under judicial supervision;

5. Finding also that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, said Sumitomo Marine and Fire Insurance Company, Ltd., other than the business, property and affairs of the United States Branch of said Sumitomo Marine and Fire Insurance Company, Ltd. referred to in subparagraph 4 hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

6. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Japan);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8,. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraphs 4 and 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Nothing in this order is intended to affect the right and power of the Superintendent of Insurance of the State of

New York to continue to retain possession of, collect and liquidate the business, property and affairs of said United States Branch of said Sumitomo Marine and Fire Insurance Company, Ltd., referred to in subparagraph 4 hereof, and in the course thereof, to do such acts and perform such duties (not inconsistent herewith) as may be required or permitted to said Superintendent of Insurance by and in accordance with and subject to the provisions of the Insurance Law of the State of New York: *Provided, however*, That after the claims of the domestic creditors of said United States Branch referred to in said subparagraph 4, together with interest thereon and the expenses of liquidation, have been paid in full, the remaining assets of said United States Branch and/or the proceeds thereof in the possession of the said Superintendent of Insurance, or to which he may be or become entitled, shall be held for the account of and subject to the further order of the Alien Property Custodian.

The property herein vested, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on March 15, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–4396; Filed, March 22, 1943; 11:07 a. m.]

[Vesting Order 1084]

TOKIO MARINE & FIRE INSURANCE COMPANY, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Tokio Marine & Fire Insurance Company, Ltd., a Japanese corporation, Tokio, Japan, is a national of a designated enemy country (Japan);

2. Finding that said Tokio Marine & Fire Insurance Company, Ltd. has an established United States Branch at New York, New York, engaged in the conduct of business within the United States and therefore is, to that extent, a business enterprise within the United States;

3. Finding that the property of such United States Branch of said Tokio Marine & Fire Insurance Company, Ltd. is in the process of administration and liquidation by the Superintendent of Insurance of the State of New York acting under judicial supervision of the Supreme Court of the State of New York;

4. Finding, therefore, that the property described as follows:

The excess proceeds of the business, property and affairs of said United States Branch of Tokio Marine & Fire Insurance Company, Ltd. in possession of the Superintendent of Insurance of the State of New York, or which may hereafter come into his possession or to which he may be entitled under and by virtue of the Insurance Law of the State of New York, including but not limited to the excess proceeds of all assets of any nature whatsoever, owned or controlled by or payable or deliverable to or held on behalf of or on account of or owing to the said United States Branch of said Tokio Marine & Fire Insurance Company, Ltd., remaining after payment of the claims of domestic creditors of the said United States Branch, which have been or may hereafter be allowed in accordance with the Insurance Law of the State of New York, together with interest on such claims and the expenses of liquidation,

is property within the United States owned or controlled by a national of a designated enemy country (Japan) and also is property which is payable or deliverable to, or claimed by, a national of a designated enemy country (Japan) and which is in the process of administration and liquidation by a person acting under judicial supervision;

5. Finding also that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, said Tokio Marine & Fire Insurance Company, Ltd., other than the business, property and affairs of the United States Branch of said Tokio Marine & Fire Insurance Company, Ltd. referred to in subparagraph 4 hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

6. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Japan);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraphs 4 and 5 hereof, to be held, used, administered liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Nothing in this order is intended to affect the right and power of the Superintendent of Insurance of the State of New York to continue to retain possession of, collect and liquidate the business, property and affairs of said United States Branch of said Tokio Marine & Fire Insurance Company, Ltd. referred to in subparagraph 4 hereof, and in the course thereof, to do such acts and perform such duties (not inconsistent herewith) as may be required or permitted to said Superintendent of Insurance by and in accordance with and subject to the provisions of the Insurance Law of the State of New York: *Provided, however*, That after the claims of the domestic creditors of said United States Branch referred to in said subparagraph 4, together with interest thereon and the expenses of liquidation, have been paid in full, the remaining assets of said United States Branch and/or the proceeds thereof in the possession of the said Superintendent of Insurance, or to which he may be or become entitled, shall be held for the account of and subject to the further order of the Alien Property Custodian.

The property herein vested, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on March 15, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–4397; Filed, March 22, 1943; 11:07 a. m.]

[Vesting Order 1085]

ESTATE OF ANDREW (ANDRAS) NAGY

In re: Estate of Andrew (Andras) Nagy, deceased; File D–9–34–50; E. T. sec. 5.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Clerk of the Mercer County Orphans' Court, acting under the judicial supervision of the Mercer County Orphans' Court, Mercer County, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals:	*Last known address*
John Nagy	Hungary.
Michael Nagy, Sr.	Hungary.
Michael Nagy, Jr.	Hungary.
Mary Nagy Kozar	Hungary.
Elizabeth Bodnarik	Hungary.
Anna Nagy	Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of John Nagy, Michael Nagy, Sr., Michael Nagy, Jr., Mary Nagy Kozar, Elizabeth Bodnarik and Anna Nagy, and each of them, in and to the Estate of Andrew (Andras) Nagy, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: March 15, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–4398; Filed, March 22, 1943; 11:07 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Administrative Exception Order 1 Under Ration Order 2B]

REGISTRATION OF AUTOMOBILES

Section 2.5 prohibits any person who has acquired or who acquires a 1942 car for the purpose of resale from registering the car unless it is registered with a clearance statement for official use by or on behalf of the armed forces of the United States. The Ohio Certificate of Title Law, section 6290–2, requires all persons acquiring motor vehicles to obtain a certificate of title from the Clerk of Court in the county in which the owner resides.

In order to permit the registration of automobiles to obtain a certificate of title but not to obtain license plates,

It is hereby ordered, that: Any person in the state of Ohio who has acquired or who acquires a 1942 automobile for resale may secure a certificate of title for the car in Ohio without presenting to the automobile registration official a certificate, clearance statement or other authorization issued by the Office of Price Administration. However, no such person may obtain license plates, other than dealer plates, except upon presentation of a certificate or clearance statement issued by the Office of Price Administration.

(Pub. Laws 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong., W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1A, 7 F.R. 698, 1493, 2229, 2729, Supp. Dir. 14, 7 F.R. 9121; E.O. 9125, 7 F.R. 2719)

This shall become effective March 22, 1943.

Issued this 22d day of March 1943.

PAUL M. O'LEARY,
Deputy Administrator in Charge of Rationing.

[F. R. Doc. 43–4422; Filed, March 22, 1943; 12:14 p. m.]

[Order 4 Under MPR 39]

BUTLER BROS.

ORDER GRANTING ADJUSTMENT

Order No. 4 under Maximum Price Regulation No. 39—Woven Decorative Fabrics; Docket No. 3039–20.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

(a) On and after March 23, 1943, Butler Bros. of Chicago, Illinois, herein called the Petitioner, may sell and deliver and any person may purchase and receive from it the following woven decorative fabrics at prices not in excess of the prices set forth below:

Stock No.	Specifications	Maximum prices	
		For sales in New York, Chicago, St. Louis, and Baltimore outlets	For sales in Minneapolis, Dallas, and San Francisco outlets
37–D316	36", 10 ounces, 4 x 4 weave	31¼¢ per yard	31½¢ per yard.
37–D340	50", 14 ounces, 4 x 4 weave	41¼¢ per yard	41½¢ per yard.

(b) Except for the adjusted maximum prices granted herein, all sales of the constructions of woven decorative fabrics set forth above shall be subject to the provisions of Maximum Price Regulation No. 39.

(c) Petitioner shall mail or cause to be mailed to all persons who purchase from it the constructions of woven decorative fabrics listed above for sale at retail a notice reading as follows:

The Office of Price Administration has permitted us to raise our maximum prices for sales to you as follows:

Stock No.	Specifications	Maximum price	
		For sales in New York, Chicago, St. Louis, and Baltimore outlets	For sales in Minneapolis, Dallas, and San Francisco outlets
37–D316	36", 10 ounces, 4 x 4 weave	31¼¢ per yd	31½¢ per yd.
37–D340	50", 14 ounces, 4 x 4 weave	41¼¢ per yd	41½¢ per yd.

These increases allowed us raise only those parts of cost increases which we are unable to absorb and they were granted with the understanding that retail prices will not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of these woven decorative fabrics.

(d) This Order No. 4 may be revoked or amended at any time by the Office of Price Administration.

(e) This Order No. 4 shall become effective March 23, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F. R. 7871)

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–4446; Filed, March 22, 1943; 4:46 p. m.]

[Order 76 Under RPS 64]

U. S. STOVE COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 76 under Revised Price Schedule No. 64 [1]—Domestic Cooking and Heating Stoves. Approval of maximum price for U. S. Stove Company, South Pittsburg, Tennessee.

On February 2, 1943, the U. S. Stove Company, South Pittsburg, Tennessee, completed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price for a new model coal heater, designated in the application as model 20 Hot Blast.

Due consideration has been given to the application and an opinion, issued

[1] 7 F.R. 1329, 1836, 2000, 2132, 4404, 5872, 6221.

simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the Opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) The U. S. Stove Company may sell, offer to sell, transfer or deliver its model 20 Hot Blast at a price not to exceed $28.98 f. o. b. factory to dealers, subject to discounts, allowances, and terms no less favorable than those in effect with respect to its comparable model 22 Comfort as established under Revised Price Schedule No. 64.

(b) This Order No. 76 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 76 shall become effective on the 23d day of March 1943.

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4444; Filed, March 22, 1943; 4:44 p. m.]

[Order 25 Under Rev. MPR 169]

LAZAR KOSHER SAUSAGE FACTORY

ORDER DENYING PETITION FOR ADJUSTMENT

Order No. 25 under Revised Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts; Docket No. 3169-41.

On August 8, 1942, Lazar Kosher Sausage Factory, 3648 West Roosevelt Road, Chicago, Illinois, filed a petition for adjustment pursuant to § 1364.60 of Maximum Price Regulation No. 169, as amended, redesignated Revised Maximum Price Regulation No. 169, as amended.

Due consideration has been given to the petition and an Opinion in support of this Order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the Opinion under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with the Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered,* That the petition for adjustment be, and it hereby is, denied.

This Order No. 25 shall become effective March 22nd, 1943.

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4442; Filed, March 22, 1943; 4:45 p. m.]

[Order 26 Under Rev. MPR 169]

SWIFT & COMPANY, ET AL.

ORDER DENYING APPLICATIONS FOR ADJUSTMENT

Order No. 26 under Revised Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts.

In the matter of Swift & Company, Docket No. 3169-270; The Val. Decker Packing Company, Docket No. 3169-279-280; The E. Kahn's Sons Company, Docket No. 3169-281; Hunter Packing Company, Docket No. 3169-282-284; Swift and Company, Docket No. 3169-285; Salus & Son, Inc., Docket No. 3169-288; The Val. Decker Packing Co., Docket No. 3169-291-299; Swift & Company, Docket No. 3169-300; Kingan & Company, Docket No. 3169-301-310; Armour & Co. of Delaware, Docket No. 3169-311-313; Swift and Company, Docket No. 3169-314; Wilson and Company, Inc., Docket No. 3169-318; Wilson and Company, Inc., Docket No. 3169-321-322; Armour & Co. of Delaware, Docket No. 3169-324-325; Swift & Company, Docket No. 3169-326-327; Wilson & Company, Inc., Docket No. 3169-328-331; Armour and Company, Docket No. 3169-332-333; Wilson and Company, Inc., Docket No. 3169-334-337; Swift and Company, Docket No. 3169-338; The Kroger Grocery & Baking Company, Docket No. 3169-339; A. Salus & Son, Inc., Docket No. 3169-340-341; Wilson & Company, Docket No. 3169-342; C. F. Vissman & Company, Docket No. 3169-344; A. Salus & Son, Inc., Docket No. 3169-345; Cudahy Brothers Co., Docket No. 3169-346; Armour & Co. of Delaware, Docket No. 3169-347; Swift & Company, Docket No. 3169-348; South Philadelphia Dressed Beef Co., Docket No. 3169-349-354; Central Packing Corporation, Docket No. 3169-355; Swift & Company, Docket No. 3169-357; Armour & Co. of Delaware, Docket No. 3169-358; Cudahy Brothers Co., Docket No. 3169-359; Armour & Co. of Delaware, Docket No. 3169-360-361; South Philadelphia Dressed Beef Co., Docket No. 3169-362; Armour & Co. of Delaware, Docket No. 3169-363-365; Swift & Company, Docket No. 3169-366; Armour & Co. of Delaware, Docket No. 3169-367-368; Swift & Company, Docket No. 3169-370-371, applicants.

On or before February 17, 1943 Swift & Company, Union Stock Yards, Chicago, Illinois, The Val. Decker Packing Company, 727 East Ash Street, Piqua, Ohio, The E. Kahn's Sons Company, 3241 Spring Grove Ave., Cincinnati, Ohio, Hunter Packing Company, East St. Louis, Illinois, Salus & Son, Inc., 8 No. Delaware Ave., Philadelphia, Pennsylvania, Kingan & Co., Indianapolis, Indiana, Armour & Company of Delaware, Union Stock Yards, Chicago, Illinois, Wilson and Company, S. Ashland Ave., Chicago, Illinois, The Kroger Grocery and Baking Company, 2210 Lockbourne Road, Columbus, Ohio, C. F. Vissman & Company, Louisville, Kentucky, Cudahy Brothers Company, Cudahy, Wisconsin, South Philadelphia Dressed Beef Company, 232-50 Moore Street, Philadelphia, Pennsylvania, and Central Packing Corporation, 352 Johnson Avenue, Brooklyn, New York, filed separate applications for adjustment of maximum prices established under Revised Maximum Price Regulation No. 169, as amended, Beef and Veal Carcasses and Wholesale Cuts, in accordance with the provisions therefor contained in Procedural Regulation No. 6. The Price Administrator deems it appropriate that the several applications for adjustment be disposed of together. Due consideration has been given to the applications for adjustment and to each of them, and an Opinion in support of this Order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the Opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Procedural Regulation No. 6, issued by the Office of Price Administration, *It is ordered:*

(a) That the foregoing applications for adjustment and each of them be, and they hereby are, denied in whole;

(b) That each applicant who has received payment for any beef carcass or wholesale cut at the price requested in its application shall refund to the purchaser the difference between such requested price and the maximum price applicable to the sale of such beef carcass or wholesale cut at the time of such sale under Revised Maximum Price Regulation No. 169.

(c) This Order No. 26 shall become effective March 23, 1943.

Issued this 22d day of March, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4443; Filed, March 22, 1943; 4:43 p. m.]

[Rev. Order 116 Under MPR 188]

COLONIAL WOOD PRODUCTS COMPANY

APPROVAL OF MAXIMUM PRICES

Revised Order No. 116 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel. Approval of maximum price for sale by Colonial Wood Products Company of children's play pens.

Order No. 116 is amended to read as set forth below:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Colonial Wood Products Company, 329 Glendale Boulevard, Los Angeles, California, is authorized to sell and deliver the children's play pens described in their letter to the Office of Price Administration, Washington, D. C., dated October 23, 1942, at prices no higher than those set forth below:

	To retailers	To wholesalers
On quantities up to 12 units	$4.50	
On quantities between 13 and 48 units	4.30	
On quantities of more than 48 units	4.15	$4.00

(b) This Revised Order No. 116 may be revoked or amended by the Price Administrator at any time.

(c) This Revised Order No. 116 shall become effective on the 23d day of March 1943.

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4447; Filed, March 22, 1943; 4:40 p. m.]

[Order 216 Under MPR 188]

BROOMS MADE OF BROOM CORN

ORDER GRANTING ADJUSTMENT

Order No. 216 under § 1499.159b of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel. Granting adjustment of maximum prices for sales of brooms made of broom corn.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) On and after March 23, 1943, the manufacturer's maximum price for a broom made of broom corn shall be calculated by adding 10% to the maximum price as established under Maximum Price Regulation No. 188. This adjustment, however, applies only to brooms to which the manufacturer attaches a tag in accordance with the provisions of paragraph (c).

(b) For a sale at wholesale or at retail of a broom made of broom corn, delivered by the manufacturer after March 22, 1943, the maximum price shall be calculated by adding 10% to the maximum price as established under the General Maximum Price Regulation. However, this increase may be taken only on brooms bearing the tag specified in paragraph (c).

(c) The manufacturer shall attach to each broom made of broom corn, delivered by him on or after March 23, 1943, a tag containing a statement in the following form:

OPA has authorized the sale of this broom by the manufacturer, the wholesaler, and the retailer at a price 10% higher than the seller's March 1942 ceiling price.

The tag shall not be detached until the broom has been delivered to the consumer.

(d) Every person delivering to a retailer brooms made of broom corn shall, at or prior to the first invoice to such purchaser after March 23, 1943, give written notice of the adjustment granted by this order. The notice shall state that the adjustment applies only to brooms which have been tagged by the manufacturer in accordance with paragraph (c). A statement in the following form will be sufficient:

The Office of Price Administration has granted relief to manufacturers of brooms made of broom corn by allowing each manufacturer, wholesaler, and retailer, an increase of 10% over March 1942 ceiling prices. The increase may be taken only on brooms which are delivered by the manufacturer on or after March 23, 1943, and which bear a tag, attached by the manufacturer, stating that the 10% increase has been authorized by the Office of Price Administration. The tag must not be detached until the broom has been delivered to the consumer.

(e) This Order No. 216 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions contained in § 1499.20 of General Maximum Price Regulation shall apply to all terms used herein.

This order shall become effective March 23, 1943.

Issued this 22d day of March, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4439; Filed, March 22, 1943; 4:44 p. m.]

[Order 217 Under MPR 188]

V. W. BUSCH CO.

APPROVAL OF MAXIMUM PRICES

Order No. 217 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers Maximum Prices for Specified Building Materials and Consumers Goods Other Than Apparel. Approval of maximum prices for sales of a new one-pint size plastic lunch box manufactured by V. W. Busch Manufacturing Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, *It is ordered:*

(a) This Order No. 217 sets maximum prices for sales of a new one-pint size plastic lunch box designated as "Victory Vu-Kit", manufactured by V. W. Busch Manufacturing Company, Rushton, South Lyon, Michigan.

(1) For a sale by the manufacturer, the maximum price is $1.75 f. o. b. Rushton, South Lyon, Michigan.

(2) For a sale at retail, the maximum price is $2.95.

(b) To every lunch box shipped to a purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail ceiling price.

(c) At or before the time of first delivery after the effective date of this Order No. 217, the manufacturer shall notify in writing every person who buys from it of the maximum price set by this Order No. 217 for resales by the purchaser. This written notice may be given in any convenient form; for example, it may be shown on or attached to the invoice, or packed with the merchandise.

(d) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This Order No. 217 shall become effective on the 23d day of March 1943.

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4434; Filed, March 22, 1943; 4:47 p. m.]

[Order 218 Under MPR 188]

TELL CITY FURNITURE COMPANY INC.

APPROVAL OF MAXIMUM PRICES

Approval of maximum prices for sales by Tell City Furniture Company, Inc., of two toy wagons.

Order No. 218 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods other than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Tell City Furniture Company, Inc., P. O. Box 120, Tell City, Indiana, is authorized to sell and deliver its new wagons, designated in its application of February 13, 1943, as No. 10 and No. 11, at prices to retailers, f. o. b. Tell City, Indiana, no higher than those set forth below:

Model No. 10	$3.25
Model No. 11	4.50

(b) This Order No. 218 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 218 shall become effective on the 23d day of March 1943.

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4435; Filed, March 22, 1943; 4:48 p. m.]

[Order 219 Under MPR 188]

STARLIGHT NOVELTY COMPANY

APPROVAL OF MAXIMUM PRICES

Approval of a maximum price for sales by Starlight Novelty Company, of a Christmas tree top.

Order No. 219 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods other than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Starlight Novelty Company, 450 Broome Street, New York, New York, is authorized to sell and deliver its new Christmas tree top, designated in its application as "Gloria Angel Christmas Tree Top", at prices to George Borgfeldt Corporation, f. o. b. New York, New York, no higher than $3.25 per dozen.

(b) This Order No. 219 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 219 shall become effective on the 23d day of March 1943.

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4436; Filed, March 22, 1943; 4:46 p. m.]

[Order 220 of MPR 188]

SHULER RADIANT COMPANY

APPROVAL OF MAXIMUM PRICES

Approval of maximum prices for sales by Shuler Radiant Company, of a new stroller.

Order No. 220 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Shuler Radiant Company, 1444 West 9th Street, Cleveland, Ohio, is authorized to sell and deliver its new stroller, described in its application of January 28, 1943, at prices to retailers, f. o. b. Cleveland, Ohio, no higher than $6.00 per unit.

(b) This Order No. 220 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 220 shall become effective on the 23d day of March 1943.

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4437; Filed, March 22, 1943; 4:44 p. m.]

[Order 221 Under MPR 188]

HARRY M. DURST

APPROVAL OF MAXIMUM PRICE

Approval of maximum prices for sales by Harry M. Durst of a new wooden rocking horse.

Order No. 221 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Harry M. Durst, 335 East 34th Street, New York, New York, authorized to sell and deliver his new wooden rocking horse, described in his application of February 1, 1943, at prices to Victory Wood Products Company, f. o. b. New York, New York, no higher than $2.71 per unit.

(b) This Order No. 221 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 221 shall become effective on the 23d day of March 1943.

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4438; Filed, March 22, 1943; 4:44 p. m.]

[Order 222 Under MPR 188]

REMBRANDT NOVELTY COMPANY, INC.

APPROVAL OF MAXIMUM PRICES

Approval of maximum prices for sale by Rembrandt Novelty Table Company, Inc., 201—46 Street, Brooklyn, New York, of Porch and Out-of-Door furniture.

Order No. 222 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods other than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Rembrandt Novelty Table Company, Inc., 201—46 Street, Brooklyn, New York, is authorized to sell and deliver the following articles at prices no higher than those set forth below:

Item	*Recommended price*
No. 2, Chair	$8.86
No. 3, Chair	4.35
No. 4, Chair	6.93
No. 6, Chair	8.14
No. 16, Chair	6.04
No. 18, Chair	7.22
No. 11, Settee	25.18
No. 12, Chaise lounge	16.49
No. 17, Chaise lounge	17.24
No. 23, Park bench	13.54
No. 21, Saw buck table	14.95
No. 22, Saw buck bench	9.04
No. 20, Table	7.18
No. 7, Table	10.43
No. 9, Table	8.19
No. 15, Table	14.60
No. 15½, Umbrella frame only	7.85
No. 15¾, Umbrella frame only	9.00
No. 10, Tea wagon	16.36
No. 19, Tea wagon	10.77
No. 12, Chaise lounge cushion	8.63
No. 11, Glider cushion	17.63
No. 11, Glider cushion combination cloth	18.71
No. 17, Combination chaise cushion	6.63
No. 17, Combination sail cloth	7.65
No. 15½, Umbrella	8.50
No. 15¾, Umbrella	9.25
No. 2, Cushion	3.38
No. 6, Pad	3.38
No. 18, Folding bench combination stool	1.81

(b) This Order No. 222 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 222 shall become effective on the 23d day of March 1943.

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4440; Filed, March 22, 1943; 4:47 p. m.]

[Order 223 Under MPR 188]

CERTAIN-TEED PRODUCTS CORPORATION

AUTHORIZATION OF MAXIMUM PRICES

Order No. 223 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods other than Apparel.

For the reasons stated in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered,* That:

(a) The Certain-Teed Products Corporation is authorized to sell, deliver and offer for sale, and all persons are authorized to receive or buy from it in the course of trade, "Blacout Board", a product consisting of asphalted building board further processed by spraying, manufactured and sold by the Corporation, at the price of $31.88 per 1000 square feet, in carload or ten-ton truck load lots, f. o. b. point of production, with a 2% discount from that price for payment within 10 days after the date of invoice.

(b) The authorization granted to the Certain-Teed Products Corporation in paragraph (a) above is subject to the condition that it shall notify all customers purchasing "Blacout Board" from it that the Office of Price Administration has by this order authorized its maximum price as provided in paragraph (a) above.

(c) This Order No. 223 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 223 shall become effective March 23, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4441; Filed, March 22, 1943; 4:47 p. m.]

[Correction to Order 1 Under MPR 186]

HARBOR BOX AND LUMBER CO.

ORDER GRANTING ADJUSTMENT

Correction to Order No. 1 under Maximum Price Regulation No. 186—Western Wooden Agricultural Containers.

In the order for publication of the name of Harbor Box and Lumber Company of Los Angeles, California, as a "metropolitan factory" the name of the company incorrectly appears as Harper Box and Lumber Company. The company name is hereby corrected to read Harbor Box and Lumber Company.

This correction shall be effective as of March 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4445; Filed, March 22, 1943; 4:47 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 31-431, 31-436]

MANILA ELECTRIC COMPANY AND ESCUDERO ELECTRIC SERVICE COMPANY

ORDER EXTENDING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of March 1943.

The Commission having heretofore on March 28, 1941, entered an order granting to Manila Electric Company and Escudero Electric Service Company, subsidiaries of Associated Electric Company, a registered holding company, an exemption, to the extent therein specified, from certain provisions of the Public Utility Holding Company Act of 1935 applicable to them as subsidiary companies; and

The said order further providing that the exemption therein granted should expire on March 31, 1943, without prejudice, however, to the right of the applicants to apply for an extension; and

A request for an extension of the time during which such exemption should be effective having been filed; and

The Commission finding that an extension of the exemption heretofore granted is appropriate;

It is therefore ordered, That the exemption heretofore granted to Manila Electric Company and Escudero Electric Service Company be and it hereby is extended until further order of this Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-4369; Filed, March 22, 1943, 10:56 a. m.]

[File Nos. 54-65, 59-6, 70-658]

UNITED GAS IMPROVEMENT CO., ET AL.

ORDER APPROVING PLAN PERMITTING DECLARATIONS TO BECOME EFFECTIVE, AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of March 1943.

In the matter of The United Gas Improvement Company, File No. 54-65; The United Gas Improvement Company and Subsidiary Companies, Respondents, File No. 59-6; Philadelphia Electric Company, File No. 70-658.

The United Gas Improvement Company, a registered holding company, and its subsidiary company, Philadelphia Electric Company, having filed applications and declarations, and amendments thereto, pursuant to section 11 (e) and other sections of the Public Utility Holding Company Act of 1935, and the Rules and Regulations of the Commission promulgated thereunder, requesting an order of the Commission approving said plan, and authorizing and directing and requiring that the transactions proposed therein be consummated in accordance with its terms and provisions; and requesting that said Order of the Commission conform to the pertinent requirements of the Internal Revenue Code, as amended, including sections 371 (a), 371 (c), 371 (f) and 1808 (f) thereof, and contain the specifications therein set forth;

The Commission having, on March 4, 1940, instituted proceedings in respect of The United Gas Improvement Company and its subsidiary companies, pursuant to section 11 (b) (1) of said Act, and having ordered a consolidation of the proceedings involving said application for approval of the plan and related applications and declarations with such proceedings;

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its Findings and Opinion herein; and

The Commission having found that said plan is necessary to effectuate the provisions of section 11 (b) of said Act and is fair and equitable to the persons affected hereby; and the Commission having made and filed herein its Report on said plan pursuant to Section 11 (g) of said Act;

It is ordered, That said plan, as amended, be, and the same hereby is, approved, and that said applications and declarations, as amended, be, and the same hereby are, granted, and permitted to become effective, and The United Gas Improvement Company is authorized, directed, and required to carry out and consummate the transactions proposed in said plan in accordance with its terms and provisions;

It is further ordered, That, in accordance with the requirements of the Internal Revenue Code, as amended, including sections 371 (a), 371 (c), 371 (f) and 1808 (f) thereof, the following steps included in the transactions proposed in said plan, are specified as being necessary to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935;

1. The reclassification of the authorized 15,000,000 shares of no par Common Stock of Philadelphia Electric Company into 2,369,076 shares of $1 Dividend Preference Common Stock and 12,630,924 of new Common Stock, both without nominal or par value; the issuance of all of said authorized shares of $1 Dividend Preferred Common Stock and 8,160,154 shares of said new Common Stock in exchange for its presently outstanding 10,529,230 shares of Common Stock, in retirement thereof, on the basis of 9/40ths of a share of $1 Dividend Preference Common Stock and 31/40ths of a share of new Common Stock for each share of presently outstanding Common Stock; and the issuance by Philadelphia Electric Company of scrip certificates in lieu of fractional shares; and the issuance by Philadelphia Electric Company of not in excess of 2,369,076 shares of its new Common Stock in exchange for shares of its $1 Dividend Preference Common Stock, pursuant to any exercise of the conversion rights attaching to the shares of said $1 Dividend Preference Common Stock;

2. The distribution by The United Gas Improvement Company of 2,295,438 shares of the $1 Dividend Preference Common Stock of Philadelphia Electric Company received by it, together with cash, in exchange for, and in liquidation and retirement of, the presently outstanding 765,146 shares of $5 Dividend Preferred Stock of The United Gas Improvement Company, on the basis of 3 shares of $1 Dividend Preference Common Stock and $40 in cash for each share of said $5 Dividend Preferred Stock;

3. The distribution by The United Gas Improvement Company pro rata to the holders of its presently outstanding 23,252,010 shares of Common Stock, as a partial distribution of capital, of 7,750,670 shares of the new Common Stock of Philadelphia Electric Company to be received by The United Gas Improvement Company, and 1,937,667.5 shares of its present holdings of the outstanding Common Stock of Public Service Corporation of New Jersey, on the basis of 1/3rd share of the new Common Stock of Philadelphia Electric Company and 1/12th share of the Common Stock of Public Service Corporation of New Jersey for each share of the outstanding Common Stock of The United Gas Improvement Company, and the issuance of scrip certificates in lieu of fractional shares;

It is further ordered, That the Report of the Commission, made and filed herein pursuant to section 11 (g) of said Act, be and the same is hereby approved and adopted as the Report herein made by the Commission and as the form in which

copies of said Report may be used by The United Gas Improvement Company in making solicitations, pursuant to said section 11 (g), of the holders of the shares of its outstanding Common Stock in respect of the matters therein referred to;

It is further ordered, That jurisdiction be, and hereby is, reserved as to the approval or disapproval of the reasonableness of fees and expenses incurred or to be incurred, in connection with said plan and related transactions, in respect of the services of attorneys, agents and financial advisors;

It is further ordered, That jurisdiction be, and hereby is, reserved to consider all matters relating to these consolidated proceedings not disposed of by this Order, to entertain such further proceedings, to make such further and supplemental findings and to take such additional and further action as may be found by the Commission to be appropriate in the premises in connection with the consummation of said plan and related and incidental transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-4367; Filed, March 22, 1943; 10:56 a. m.]

[File Nos. 65-5, 32-197, 70-135]

MICHIGAN CONSOLIDATED GAS CO., ET AL.

ORDER DISMISSING PROCEEDINGS AS TO DILLON, READ & CO. AND RELEASING JURISDICTION OVER LIMITED PAYMENT OF UNDERWRITER'S AND FINDER'S FEES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 18th day of March 1943.

In the matter of Michigan Consolidated Gas Company, Dillon, Read & Co., Files Nos. 65-5 and 32-197; Columbus and Southern Ohio Electric Company, Dillon, Read & Co., File No. 70-135.

Michigan Consolidated Gas Company, a subsidiary of The United Light and Power Company, a registered holding company, having filed on February 22, 1940 an application regarding, among other matters, the issuance and sale of its First Mortgage Bonds pursuant to the provisions of section 6 (b) of the Public Utility Holding Company Act of 1935; and

Columbus and Southern Ohio Electric Company, a subsidiary of The United Light and Power Company, having filed on August 7, 1940 an application regarding, among other matters, the issuance and sale of its First Mortgage Bonds pursuant to the provisions of section 6 (b) of the Public Utility Holding Company Act of 1935; and

The Commission having respectively on February 23, 1940 and August 22, 1940 issued orders to show cause against Dillon, Read & Co., Michigan Consolidated Gas Company and Columbus and Southern Ohio Electric Company, pursuant to Rule U-12F-2, to determine the status of Dillon, Read & Co. under said rule; and

The Commission having on March 12, 1940 issued its order approving the application of Michigan Consolidated Gas Company, but reserving jurisdiction for future determination of questions concerning affiliation and the reasonableness of the proposed finder's fees to Dillon, Read & Co.; and the Commission having also on October 21, 1940 issued its order approving the application of Columbus and Southern Ohio Electric Company, subject, however, to the stipulation of counsel for Dillon, Read & Co. that pending the determination of the questions arising under the Rule, the underwriting fees involved would be deposited in escrow and that the Commission would reserve jurisdiction over all questions of fees and affiliations under the Rules; and

Dillon, Read & Co. having proposed to reduce its finder's fees claimed from Michigan Consolidated Gas Company from $10,000 to $7,500; and having proposed to reduce its fees and compensation for all services connected with the underwriting of the bonds issued by Columbus and Southern Ohio Electric Company so that its total compensation would not exceed the compensation payable to an underwriter whose participation was not in excess of 5% of the total offering and, upon the basis of such reduced fees, having moved the Commission for an order dismissing the consolidated proceedings and releasing jurisdiction over such reduced compensation; and permitting Columbus and Southern Ohio Electric Company to pay to Dillon, Read & Co. or to its assignees the sum of $25,475.65, which amount is computed at the rate applicable to a 5% participation of the total offering; and to further permit Michigan Consolidated Gas Company to pay to Dillon, Read & Co. or to its assignees the sum of $7,500 as payment in full of finder's fees for services rendered to Michigan Consolidated Gas Company; and

The Commission deeming it in the public interest and in the interest of investors and consumers to dismiss the pending show cause orders and to release jurisdiction as to the payment of such reduced fees and compensation;

It is ordered, That the proceedings pending be and hereby are dismissed; and that jurisdiction be and hereby is released over such reduced fees and compensation payable to Dillon, Read & Co. or to its assignees.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-4365; Filed, March 22, 1943; 10:56 a. m.]

[File No. 70-654]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE ET AL.

INTERIM ORDER APPROVING APPLICATION SUBJECT TO RESERVATION OF JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of March 1943.

In the matter of Public Service Company of New Hampshire, The Twin State Gas and Electric Company, New England Public Service Company, File No. 70-654.

Public Service Company of New Hampshire, a subsidiary company of New England Public Service Company, a registered holding company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of said Act of the issuance and sale of $20,500,000 aggregate principal amount of its First Mortgage Bonds, Series A, 3¼%, maturing January 1, 1973, said bonds to be offered at competitive bidding pursuant to the requirements of Rule U-50; and

Hearings having been held after appropriate notice and the Commission having made and filed its findings and opinion herein;

It is ordered, That the application as amended, be and the same hereby is granted for the purpose of submitting the bonds to competitive bidding, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following additional terms and conditions:

I. No dividends, except dividends payable in common stock shall be paid on the common stock if the payment thereof would reduce Earned Surplus below $2,300,000 or below such part of $2,300,000 as may remain after deduction thereof by:

(a) Any amount of the Electric Plant Acquisition Adjustment Account (now carried at $840,420.34 subject to a reserve of $13,968.07) which may be written off directly against Earned Surplus, and

(b) Other adjustments applicable to Earned Surplus.

II. Except as hereinafter provided, no dividends, except dividends payable in common stock shall be paid on the common stock, unless for the entire period from January 1, 1943 to the end of the calendar month preceding the month in which such declaration is made, earnings applicable to the common stock shall have been retained to an accumulated amount equal to the total obtained by computing the retention for each full calendar year of the period (and on a pro-rata basis for any fractional part of a calendar year) at the following rates:

Yearly earnings applicable to common stock as as per books:	*Percentage of earnings retained (percent)*
First $100,000	100
Next $100,000	None
Next $100,000	40
Next $100,000	30
Next $200,000	25
Over $600,000	10

Provided, however, That:

(a) For the purposes of the foregoing computation, if the Company shall have made provisions for depreciation of its electric plant at the rate of less than 2% per annum of its depreciable electric plant (averaged on a calendar year basis) for any year or fractional part of a year involved in any such computation, the earnings applicable to the common stock

to be retained shall be increased by the amount of such deficiency or, if no other retention of earnings is required, then the amount of such deficiency shall be retained;

(b) After December 31, 1952, or after any earlier date on which the total earnings retained hereunder plus the amount of any cash and the value of any property received by the Company in consideration of the issue of additional common stock shall aggregate $2,300,000, all requirements for the retention of earnings and all restrictions upon the payment of dividends under this paragraph II shall cease, except as may be provided in subparagraph (a) above and except that surplus accumulated by earnings so retained, up to $1,300,000 thereof less the amounts of all adjustments at any time made under clause (c) below and less the amount of all cash and the value of all property received by the Company in consideration of the issue of additional common stock, shall not be available for the payment of dividends on the common other than dividends payable in common stock; and

(c) Earned Surplus accumulated as a result of retention of earnings under this paragraph II may be reduced by adjustments applicable to Earned Surplus.

III. Jurisdiction is hereby reserved by the Commission to impose such further terms and conditions as may be appropriate after the results of the competitive bidding have been reported pursuant to Rule U-50 (c).

It is further ordered, That applicant's request for a shortening of the ten-day period required by Rule U-50 (b) to the extent that applicant may be permitted to open bids on March 26, 1943, be and the same hereby is granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-4366; Filed, March 22, 1943; 10:56 a. m.]

[File No. 70-678]

THE MILWAUKEE ELECTRIC RAILWAY & TRANSPORT COMPANY AND WISCONSIN ELECTRIC POWER COMPANY

ORDER APPROVING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of March 1943.

The Milwaukee Electric Railway & Transport Company, a wholly owned subsidiary of Wisconsin Electric Power Company, and Wisconsin Electric Power Company, a subsidiary of The North American Company, a registered holding company, having filed a joint application and declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the General Rules and Regulations promulgated thereunder, relating to (1) the proposal of The Milwaukee Electric Railway & Transport Company to purchase for cash at par from Wisconsin Electric Power Company 8,000 shares of its own common capital stock having a par value of $100 per share or an aggregate par value of $800,000, and to retire the stock so to be purchased by it; and (2) the proposal of Wisconsin Electric Power Company to sell to The Milwaukee Electric Railway & Transport Company the said 8,000 shares of the common capital stock of The Milwaukee Electric Railway & Transport Company for the consideration above specified; and

Said joint application and declaration having been filed on the 18th day of February, 1943, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said Act, and the Commission not having received a request for a hearing with respect to said joint application and declaration within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of sections 10, 12 (c) and 12 (f) and Rules U-42 and U-43 are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers to approve said application and to permit said declaration to become effective;

It is hereby ordered Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that said joint application be and the same is hereby approved and that said joint declaration be and the same is hereby permitted to become effective forthwith.

By the Commission (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-4368; Filed, March 22, 1943; 10:56 a. m.]

[File Nos. 54-69, 59-65]

OGDEN CORPORATION, ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22nd day of March, A. D. 1943.

In the matter of Ogden Corporation and subsidiary companies, File No. 54-69; Ogden Corporation and subsidiary companies, respondents, File No. 59-65.

Notice of filing and order for hearing on plan filed pursuant to section 11 (e); notice of and order for hearing pursuant to sections 11 (b) (1), 11 (b) (2), 15 (f), and 20 (a) of the Public Utility Holding Company Act of 1935 and order consolidating proceedings.

I

Notice is hereby given that Ogden Corporation, a registered holding company, and certain of its subsidiary companies,[1] have filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan, the purpose of which is to effect compliance with (1) the provisions of section 11 (b) of the Act and (2) the terms of an Amended Plan of Reorganization, dated January 10, 1939, of Utilities Power & Light Corporation, predecessor in reorganization of Ogden Corporation.[2] The plan provides for the disposition by Ogden of interests held by it, directly or indirectly, in all of its subsidiaries which are registered holding companies or public utility companies and the distribution of the proceeds thereof to Ogden's stockholders. Securities of such subsidiaries not disposed of by sale or discharged in liquidation will be distributed in kind. All interested persons are referred to said plan, which is on file at the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Ogden Corporation proposes to dispose of interests held by it, directly or indirectly, in all of its subsidiary companies which are registered holding companies or public utility companies: *Provided, however*, That in the cases of The Laclede Gas Light Company, Interstate Power Company, Missouri Natural Gas Company, Central States Utilities Corporation, Central States Power & Light Corporation, and Missouri Electric Power Company, such divestment shall not be effected by means of the sale of securities prior to the recapitalization of such companies to the extent necessary to comply with section 11 (b) (2) of the Act. As described below, Ogden Corporation, The Laclede Gas Light Company, and Interstate Power Company and its subsidiaries propose to take such steps as may be neces-

[1] The following subsidiaries of Ogden Corporation have joined in the plan in so far as their respective interests are involved: Central States Utilities Corporation, Central States Power & Light Corporation, Missouri Electric Power Company, Derby Gas & Electric Corporation (Del.), The Derby Gas and Electric Company (Conn.), The Wallinford Gas Light Company, Interstate Power Company (Del.), East Dubuque Electric Company, Eastern Iowa Electric Company, Interstate Power Company of North Dakota, Interstate Power Company of Wisconsin, Laclede Power & Light Company, The Laclede Gas Light Company, Phoenix Light, Heat and Power Company (Inactive) and Missouri Natural Gas Company.

[2] See *Utilities Power & Light Corporation, et al.* 5 S.E.C. 483 (1939). The Plan of Reorganization, confirmed on January 2, 1940 by the District Court of the United States for the Northern District of Illinois, Eastern Division, provided that Ogden Corporation submit to the Commission, within thirty days after the entry of an order discharging the trustee and closing the case, a plan, pursuant to the provisions of section 11 (e) of the Act, providing for the divestment of control, securities, or other assets, or for other action by Ogden Corporation, or any subsidiary thereof, for the purpose of enabling Ogden, or any subsidiary thereof, to comply with the provisions of section 11 (b) of the Act. Such order dismissing said trustee was entered on January 28, 1943.

sary to recapitalize The Laclede Gas Light Company and Interstate Power Company in such manner as to comply with section 11 (b) (2) of the Act. Central States Utilities Corporation and its subsidiaries will liquidate and dissolve.

In all instances where disposition is made by way of sale of securities of subsidiaries which are registered holding companies or public utility companies, Ogden Corporation proposes to distribute the proceeds thereof to its stockholders. Securities of such subsidiaries not disposed of by sale or discharged in liquidation will be distributed in kind.

It is proposed that the plan will be consummated in the manner described below:

(1) *Central States Utilities Corporation and subsidiaries.* Central States Utilities Corporation, its subsidiary, Central States Power & Light Corporation and Missouri Electric Power Company, a wholly-owned subsidiary of Central States Power & Light Corporation, propose to liquidate and dissolve. It is proposed that the two companies last named will dispose of all their assets for cash. Funds thus derived will first be utilized to discharge the first mortgage bonds of Central States Power & Light Corporation, and any remaining cash will be distributed to holders of securities junior to such bonds, in accordance with the determination of the Commission or, if an appeal be taken, in accordance with such determination as finally affirmed or modified.

(2) *Derby Gas & Electric Corporation and subsidiaries.* Ogden proposes to dispose of the common stock of Derby Gas & Electric Corporation either by sale or by distribution in kind.

(3) *Interstate Power Company and subsidiaries.* Interstate Power Company proposes to simplify its corporate structure and recapitalize so as fairly and equitably to distribute voting power among its security holders. Prior to or concurrently with its recapitalization, Interstate Power Company also proposes to dispose of the Bemidji-Crookston Division of its Minnesota properties as well as the properties of Interstate Power Company of North Dakota in order to comply with the provisions of section 11 (b) (1) of the Act. After consummation of such recapitalization, Ogden Corporation proposes to dispose of the new securities it receives pursuant to the plan of recapitalization either by sale or by distribution in kind.

(4) *Laclede Power & Light Company and The Laclede Gas Light Company.* Laclede Power & Light Company, The Laclede Gas Light Company, and Phoenix Light, Heat and Power Company propose to sell for cash the properties operated by Laclede Power & Light Company to Union Electric Company of Missouri and The Laclede Gas Light Company proposes to simplify its corporate structure and recapitalize. In such recapitalization, the debt will be reduced substantially, preferred stock dividend arrears eliminated, and outstanding preferred and common stocks will be converted into a single class of stock. After consummation of such recapitalization, Ogden Corporation proposes to dispose of the securities received.

(5) *Missouri Natural Gas Company.* Ogden Corporation proposes to dispose of its investment in Missouri Natural Gas Company either by sale or distribution in kind or to cause Missouri Natural Gas Company to dispose of its assets.

(6) *Plans on file with the Commission.* Plans under section 11 (e) providing for the recapitalization of Interstate Power Company and The Laclede Gas Light Company are presently on file with the Commission (File Nos. 54–36 and 54–39, respectively). A plan providing for the liquidation and dissolution of Central States Utilities Corporation and its subsidiaries is also pending before the Commission (File No. 54–42).

(7) *Provisions relating to consummation and enforcement of plan.* Ogden Corporation and each of its subsidiaries which are joint proponents of this Plan propose to effectuate such plan within the statutory period provided for under section 11 (c) of the Act; and request, in the event said plan is not consummated within two years of the filing thereof, or such extended period as may be granted by the Commission, that the Commission, pursuant to section 11 (e) of the Act, apply to a Court in accordance with the provisions of section 18 (f) of the Act, to enforce and carry out the terms and provisions of the Plan. Each of the said joint proponents authorizes the Court upon any such application made to it by the Commission, to such extent as the Court deems necessary for the purpose of carrying out the terms and provisions of this plan, to take exclusive jurisdiction and possession of Ogden Corporation, and all of its then subsidiaries which are public utility companies as defined in the Act, and of their respective assets, including securities, wherever located, and to appoint a trustee to hold or administer the same under the direction of the Court and in accordance with this plan, and the Court for such purpose may appoint the Commission as sole trustee.

II

The Commission having examined, pursuant to sections 11 (a), 18 (a), and 18 (b) of the Public Utility Holding Company Act of 1935, the corporate structure of Ogden Corporation, a registered holding company, and its subsidiary companies, the relationship among companies of said holding company system, the character of the interests thereof and the properties owned or controlled thereby, to determine the extent to which the corporate structure of such holding company system and the companies therein may be simplified, unnecessary complexities therein eliminated, voting power fairly and equitably distributed among the holders of securities thereof, and the properties and business of such system should be confined to those necessary or appropriate to the operations of an integrated public utility system or systems under the standards of section 11 (b) of the Act; and said examination having disclosed data establishing or tending to establish the following:

1. Ogden Corporation, a registered holding company, is a corporation organized under the laws of Delaware. It maintains its principal office for the doing of business in Jersey City, N. J. Ogden Corporation has twenty-two subsidiaries, twelve of which are public utility companies within the meaning of the Act, engaged in the electric and gas utility business and other businesses such as water distribution, bus transportation, ice, and steam; and the remainder of which are engaged in such diverse businesses as coal production, railroad operations, theatre ownership, etc. The operations of Ogden's utility subsidiaries are conducted within eight states of the United States, including Connecticut, Illinois, Iowa, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin.

2. The total gross book assets at December 31, 1942 of Ogden Corporation's subsidiary companies, which are public utility and holding companies within the meaning of the Act, were approximately $154,431,000 (after adjustments for intercompany items). The total assets (after adjustments for intercompany items), at December 31, 1942, of Ogden Corporation's non-utility subsidiaries were approximately $8,910,000.[3] These totals, combined with other assets of Ogden Corporation, aggregated approximately $168,595,000.

3. Central States Utilities Corporation, Central States Power & Light Company, Derby Gas & Electric Corporation, and Interstate Power Company, subsidiaries of Ogden Corporation, are also registered holding companies. The first three of these subsidiaries maintain their principal offices in Jersey City, N. J., and the last-named maintains its principal office in the City of Dubuque, Iowa.

4. The names of the subsidiary companies presently embraced in the holding company system of Ogden Corporation, the corporate relationship of these companies to each other, and the states in which such subsidiary companies are incorporated, are shown in the following table:

Name of company	*State of organization*
Ogden Corporation	Delaware.
Central States Utilities Corporation	Delaware.
Central States Power & Light Corporation	Delaware.
Missouri Electric Power Company	Missouri.

[3] Per books, with property stated (except for Litchfield and Madison Railway Company) after depreciation, depletion, and other property reserves. The figures for one subsidiary, Southampton (Fawley) Investment Corp. Ltd., are as of December 31, 1941, the latest available, and are converted into dollars at the rate of $4.03 to the pound sterling, approximately the current "official rate" of exchange. The asset total for the non-utility subsidiaries does not include United Fuels Corporation and its subsidiaries (sold by Ogden Corporation in February, 1943), but the carrying value for that investment is included in the total of all assets of the Ogden system.

Derby Gas & Electric Corporation	Delaware.
The Derby Gas and Electric Company	Connecticut.
The Wallingford Gas Light Company	Connecticut.
The Derby Gas and Electric Corporation of Connecticut (Inactive)	Connecticut.
Interstate Power Company	Delaware.
East Dubuque Electric Company	Illinois.
Eastern Iowa Electric Company	South Dakota.
Interstate Power Company of North Dakota	North Dakota.
Interstate Power Company of Wisconsin	Wisconsin.
The Laclede Gas Light Company	Missouri.
Phoenix Light, Heat and Power Company (Inactive)	Missouri.
Laclede Power & Light Company	Missouri.
Missouri Natural Gas Company	Missouri.
Newport Water Corporation (In liquidation)	Rhode Island.
City Theatres Company	New York.
Litchfield and Madison Railway Company	Illinois.
Mt. Olive & Staunton Coal Company	Illinois.
Southampton (Fawley) Investment Corporation, Ltd.	England.
Utilities Elkhorn Coal Company	Delaware.

5. The subsidiary companies of Ogden Corporation, which are public utility companies within the meaning of the Act, the states in which the businesses of such companies are conducted, and the kind of business each conducts, together with gross property accounts as of December 31, 1942 and their gross revenues for the year 1942, are shown in the following table:

Name of company	State of operations	Kind of business	Gross property per books	Gross revenues*
Central States Power & Light Corporation	Minnesota	E	$5,529,254	$739,251
	Iowa	E		
Missouri Electric Power Company	Missouri	E I W	5,130,548	708,145
The Derby Gas and Electric Company	Connecticut	E G S	5,089,258	2,111,894
The Wallingford Gas Light Company	Connecticut	G	391,403	115,092
Interstate Power Company	Iowa	E G B	$50,418,788	6,685,203
	Minnesota	E G H W		
	South Dakota	E		
East Dubuque Electric Company	Illinois	E B	161,352	58,350
Eastern Iowa Electric Company	Iowa	E	434,936	98,705
Interstate Power Company of North Dakota	North Dakota	E	159,580	38,638
Interstate Power Company of Wisconsin	Wisconsin	E	2,039,783	418,014
The Laclede Gas Light Company	Missouri	G	58,467,179	7,874,784
Laclede Power & Light Company	Missouri	E	9,335,530	3,257,046
Missouri Natural Gas Company	Missouri	G	756,636	295,429

*Not adjusted for intercompany sales.

Symbols. E—Electricity. G—Gas. S—Steam. B—Bus. W—Water. I—Ice. H—Heat.

6. The subsidiary companies of Ogden Corporation which are not public utility companies within the meaning of the Act, the states in which their major operating properties are located, the nature of the business of such subsidiary companies, together with net property accounts as of December 31, 1942, and sales for the year 1942, are as follows:

Name of company	State in which major properties are located	Kind of business	Net property per books	Sales
Central States Utilities Corporation		Holding company		
City Theatres Company	New York	Owner and lessor of theatre.	$534,076	[1] $28,000
Derby Gas & Electric Corporation		Holding company		
Derby Gas & Electric Corporation of Connecticut		Inactive		
Litchfield and Madison Railway Company	Illinois	Railroad	2,880,819	[2] 1,588,414
Mt. Olive & Staunton Coal Company	Illinois	Coal mining	1,267,462	1,707,808
Newport Water Corporation		In liquidation	[3] 387,740	
Phoenix Light, Heat and Power Company		Inactive		
Southampton (Fawley) Investment Company, Ltd.	England	Owner of undeveloped land.	[4] 377,983	[5] 592
Utilities Elkhorn Coal Company	Kentucky	Coal mining	932,989	1,495,830

[1] Rental.
[2] Revenues; in addition Litchfield received $62,322 of net rental income from lease of equipment.
[3] Consists entirely of cash, subject to undetermined tax liability. Of this amount, $150,000 has been made available as a liquidating dividend to preferred stockholders payable subsequent to December 31, 1942.
[4] Per December 31, 1941 Balance Sheet, latest available; converted into dollars at $4.03.
[5] Rental-year ended December 31, 1941, latest available; converted into dollars at $4.03.

7. For the year ended December 31, 1942, the operating revenues of the public utility subsidiaries of Ogden Corporation (after adjustment for intercompany items) were as follows:

	Amount	Percent
Electric	$12,067,470	54.8
Gas	9,369,511	42.5
Transportation	282,255	1.3
Water	52,838	.2
Other	258,216	1.2
Total	22,030,290	100.0

III

8. The Laclede Gas Light Company, a subsidiary of Ogden, was incorporated by a Special Act of the Missouri Legislature on March 2, 1857, as amended by the Acts of March 3, 1857 and March 26, 1868. As of December 31, 1942, Ogden owned 73.51% of its outstanding voting securities, namely, 5,345 shares out of the 23,330 outstanding shares of the 5% cumulative Preferred Stock and 90,466 shares out of the 107,000 outstanding shares of Common stock.

9. Laclede Gas is engaged in the manufacture of gas and the distribution and sale of mixed manufactured and natural gas, and the distribution and resale of natural gas (for industrial purposes only), all within the corporate limits of the City of St. Louis, Missouri.

10. The capitalization, including surplus of Laclede Gas, as of December 31, 1942, adjusted to reflect dividend arrears on the Preferred Stock, was as follows:

	Amount	Percent
Debt:		
Refunding and Extension Mortgage 5% Gold Bonds, due April 1, 1934, extended to April 1, 1945	$9,868,000	16.9
First Mortgage Collateral and Refunding 5½% Gold Bonds:		
Series C, due February 1, 1953	17,500,000	29.9
Series D, due February 1, 1960	5,500,000	9.4
Collateral Trust 6% Notes, due August 1, 1942, extended to August 1, 1945	2,000,000	3.4
Total Debt	34,868,000	59.6
Preferred stock and arrears:		
5% Cumulative, $100 par value—23,330 shares (preferred as to dividends only and ranks ratably, share for share, with the Common Stock upon dissolution or distribution of assets)	2,333,000	4.0
Dividend arrears—$45.83 per share	1,069,291	1.8
Total Preferred and Arrears	3,402,291	5.8
Common stock $100 par value—107 shares	10,700,000	18.2
Surplus for common and preferred:		
Capital surplus from revaluation of fixed assets	6,080,075	10.4
Capital surplus from reacquisition of Preferred Stock	117,106	.2
Earned Surplus	3,384,755	5.8
Total Surplus	9,581,936	16.4
Total Capitalization	58,552,227	100.0

11. No dividends have been paid on the Preferred Stock of Laclede Gas since October 31, 1933, nor on its Common Stock since December 15, 1933. Arrears on the Preferred Stock, as of December 31, 1942, aggregated $45.83 per share.

12. The balance sheet of Laclede Gas at December 31, 1942 states property, plant, and equipment, including intangibles, as follows:

Property, plant and equipment, exclusive of property subject to lease and sale agreement	$46,670,533
Intangible—going value, etc.	6,098,916
	52,769,449
Property leased to Laclede Power & Light Company under lease and sale agreement:	
Physical property	5,157,730
Going value	540,000
	5,697,730
Total gross property	58,467,179
Retirement reserve	1,929,808
Total net property	56,537,371

The retirement reserve applicable to the gas and electric properties was $1,211,766 and $718,042, respectively. The reserve represented only 3.3% of the total gross property and the reserve applicable to the gas property represented only 2.3% of such property.

13. As of December 31, 1942, Laclede Gas long-term debt was equivalent to 61.7% of net property; the total of long-term debt and preferred stock arrears was equivalent to 63.5% of net property.

14. The original cost of the physical property used in gas operations owned by Laclede Gas at August 31, 1942 as estimated by accountants for the Missouri Public Service Commission was $35,655,333. Net additions from September 1, 1942 to December 31, 1942 were approximately $127,000. The book value of such property at December 31, 1942 exceeds the estimated original cost by approximately $16,987,000.

15. Under a lease and sale agreement dated December 23, 1926, Laclede Gas leased to Laclede Power & Light Company, an associate company, certain of its electric properties for a term expiring on February 1, 1953. The said agreement provides that the lessee will purchase the leased properties on the expiration date thereof, and may at its option purchase such properties prior thereto, for the sum of $5,254,000, if such properties can be delivered free and clear of all liens imposed thereon by the lessor. Of such purchase price, $19,550 was received from the lessee in 1940 upon the transfer of title to a portion of the properties.

16. Laclede Gas and Laclede Power have entered into a contract to sell their electric properties to Union Electric Company of Missouri for a base price of $8,600,000 of which $2,200,000 has been assigned by the sellers to the electric property owned by Laclede Gas.

17. The net amount at which the electric properties of Laclede Gas are carried in its accounts at December 31, 1942 is $2,797,689 greater than the consideration assigned to such properties by the sellers.

18. The following table shows the balance for the preferred and common stocks (the preferred having a preference as to dividends only), after deducting preferred dividend arrears and adjusting the gas properties to original cost and the electric properties owned by Laclede Gas to the portion of the proposed sales price attributed to it ($2,200,000):

Original cost of gas properties	$35,782,333
Less: Applicable retirement reserve	1,211,766
	34,570,567
Portion of the proposed sales price of the electric properties attributed to Laclede Gas	2,200,000
	36,770,567
Excess of current and other assets over current and other liabilities	$950,571
Total fixed and other net assets	37,721,138
Securities:	
Total debt securities	34,868,000
Preferred stock dividend arrears	1,069,211
Balance for preferred and common stock	1,783,967
Total securities	37,721,138

19. As of December 31, 1942, total debt securities were 92.3% of total fixed and other net assets, as adjusted above; as of the same date, total debt securities and preferred dividend arrears were 95.2% of such assets, as adjusted above.

20. The following is a summary of the income of Laclede Gas for the years 1938 to 1942, inclusive:

	Operating revenue	Gross income	Net income	Preferred dividend requirements	Balance for common
1938	$6,668,178	$1,921,702	($226,446)	$116,650	($343,096)
1939	6,753,943	1,985,119	(134,779)	116,650	(251,429)
1940	6,947,728	2,341,816	224,874	116,650	108,224
1941	7,077,718	2,743,716	625,084	116,650	508,434
1942	7,874,785	2,844,537	763,316	116,650	646,666

( ) Denotes deficit.

21. An important factor contributing to the improvement in net income of Laclede Gas during the past three years is the wartime demand for coke and for other residuals derived from the production of coal gas. Residual sales, which are treated as deductions from operating expenses on the books of Laclede Gas, amounted to $2,728,906 in 1942.

22. The Federal Income Tax returns of Laclede Gas for the years 1930 to 1941 contain deductions for depreciation which are substantially greater than the provisions for retirements in the accounts of the company during such years.

23. The Refunding and Extension Mortgage 5% Gold Bonds of Laclede Gas, dated April 1, 1904, matured on April 1, 1934. The company was unable to pay these bonds at maturity and arranged with its holders for an extension of the maturity date to April 1, 1939. Subsequently, the maturity date was again extended to April 1, 1942. A third extension was granted in 1942 by the holders of $9,868,000 principal amount of such bonds. The present extended maturity date of this issue is April 1, 1945.

24. The Collateral Trust 6% Notes of Laclede Gas issued in 1935 and outstanding in the principal amount of $3,000,000 matured August 1, 1942. At maturity, the company retired only $1,000,000 principal amount of such notes. Ogden Corporation acquired the balance of $2,000,000 from public holders at their principal amount plus accrued interest and consented to an extension of the maturity date to August 1, 1945.

25. Each share of the preferred and common stock of Laclede Gas is entitled to one vote. The common stock possesses, however, approximately 82% of the voting power, which is far out of proportion to its equity in the company.

IV

26. Central States Utilities Corporation, a registered holding company and a subsidiary of Ogden Corporation, is a corporation organized under the laws of Delaware. All of its outstanding common stock is owned by Ogden. In addition, as of December 31, 1942, Ogden owned 22,406 out of 32,000 outstanding shares of its $7 Cumulative Preferred Stock, $3,129,100 out of $3,500,000 outstanding Ten-Year 6% Secured Gold Bonds, unsecured notes of $788,625, $179,984 of advances on open account, and accrued interest receivable of $1,973,620.

27. Central States Utilities Corporation is solely a holding company whose principal asset is its investment in the outstanding common stock of Central States Power & Light Corporation, which asset is carried on its books at the figure of $1.00.

28. Since January 1, 1934, Central States Utilities Corporation has been in default as to interest payments on its Ten-Year 6% Secured Gold Bonds, and since January 1, 1938, the company has been in default as to the entire principal amount.

29. As of December 31, 1942, the accrued and unpaid interest on the Ten-Year 6% Secured Bonds aggregated $1,890,000.

30. No dividends have been paid on the preferred stock of Central States Utilities Corporation since January 1, 1932; as of December 31, 1942, the divi-

dend arrearages on the preferred amounted to $2,464,000, or $77.00 per share. No dividends have ever been paid on the common stock of Central States Utilities Corporation.

31. The principal source of revenue for Central States Utilities Corporation is its investment in the common stock of Central States Power & Light Corporation, which company has not paid dividends on its common stock since December, 1931.

32. Unless and until preferred stock dividends are in arrears for one year, the entire voting power is vested in the common stock, each share of which is entitled to one vote. As a result of dividend arrears, the preferred stock voting as a class is entitled to elect two directors.

33. Central States Power & Light Corporation, a subsidiary of Central States Utilities Corporation, is a corporation organized under the laws of Delaware. The common stock of Central States Power & Light Corporation is owned by Central States Utilities Corporation. In addition, as of December 31, 1942, Ogden owned $5,108,040 out of $5,940,000 outstanding of Central States Power & Light Corporation's 5% Debentures, and 13,473 out of 80,000 outstanding shares of its $7.00 Preferred Stock.

34. Central States Power & Light Corporation renders electric service in northern Iowa and southern Minnesota; its wholly-owned subsidiary, Missouri Electric Power Company, renders electric, water service, and also conducts an ice production and sales business in southern Missouri.

35. The consolidated capitalization, including surplus, of Central States Power & Light Corporation, as of December 31, 1942, adjusted to reflect dividend arrears and the minimum liquidating price of the preferred stock, was as follows:

	Amount	Percent
Long term debt:		
1st Mtge. and 1st Lien Gold Bonds, 5½% Series due 1953	$3,584,000	
5% Debentures, due 1944	5,940,000	
Total long term debt	9,524,000	88.7
Preferred stock:		
$7 Dividend Series (Cumulative), no par, stated at minimum liquidating price of $100—80,000 shares	8,000,000	
Dividend arrears	6,160,000	
Total preferred and arrears	14,160,000	131.9
Common stock and surplus:		
Common stock, no par—40,600 shares	4,582,434	
Capital surplus	161,690	
Earned surplus (deficit)	[1](17,690,266)	
Total common stock and surplus	(12,946,133)	(120.6)
Total capitalization	10,737,867	100.0

[1] Earned surplus has been charged with the preferred dividend arrears and with the difference ($868,000) between the minimum liquidating value of the preferred stock and its stated value, per books.

36. No dividends have been paid on the preferred stock of Central States Power & Light Corporation since January 1, 1932, nor on its common stock since December, 1931. Arrears on the preferred stock as of December 31, 1941 aggregated $6,160,000, or $77.00 per share.

37. The consolidated balance sheet of Central States Power & Light Corporation and its subsidiaries at December 31, 1942 states property, plant, and equipment, including intangibles, as follows:

Gross property	$10,659,802
Retirement reserves	300,325
Net property	10,359,477

The reserve for retirements represented 2.8% of combined gross property.

38. As of December 31, 1942, the percentage of long-term debts to combined net property was 91.9%; the percentage of the total of long term debt and preferred stock (stated at minimum liquidating value plus dividend arrears thereon) to combined net property was 228.6%.

39. The operating revenues, gross income before fixed charges, net income, preferred dividend requirements, and the balances for common stock of Central States Power & Light Corporation, on a consolidated basis for each of the years from 1937 through 1942, were as follows:

	Operating revenues	Gross income before fixed charges	Net income before dividends	Preferred dividend requirements	Balance for common
1937	$3,884,099	$1,091,462	($57,523)	$560,000	($617,523)
1938	3,765,633	976,449	(160,027)	560,000	(720,027)
1939 [10]	2,946,932	964,705	(129,445)	560,000	(689,445)
1940	3,280,851	1,008,377	100,886	560,000	(459,114)
1941 [11]	2,450,428	756,617	(64,764)	560,000	(624,764)
1942	1,447,395	322,829	(96,568)	560,000	(656,568)

[10] During 1939 Central States Power & Light sold its investments in Canada Electric Company, Ltd., The Eastern Electric Company, Ltd., and Monoton Electricity & Gas Company, Ltd.

[11] During 1941 the properties of Central States Power & Light Corporation of Oklahoma were sold. Central States Power & Light also sold its electric properties in Kentucky, gas properties in Texas, an electric distribution system in Osage, Iowa, and its gas properties in Oklahoma.

( ) Denotes deficit.

40. The Federal income tax returns of Central States Power & Light Corporation contain deductions for depreciation which are substantially greater than the provisions for retirements in the accounts of the company.

41. Unless and until preferred stock dividends are in arrears for four quarterly periods, the entire voting power is vested in the common stock, each share of which is entitled to one vote. As a result of dividend arrears, the preferred stock voting as a class now has the right to elect two directors.

V

42. Interstate Power Company, a subsidiary of Ogden, is a corporation organized under the laws of the State of Delaware. As of December 31, 1942, Ogden owned all of the common stock of Interstate, as well as 3,108 shares out of a total of 72,500 shares of its $7.00, preferred and 9,461 shares out of a total of 47,500 shares of its $6.00 preferred stock outstanding. In addition, Ogden holds a 6% demand note of Interstate in the amount of $2,475,000 and $100 principal amount of its 6% Gold Debentures.

43. Interstate is a registered holding company, as well as an operating company. It owns all the common stock of East Dubuque Electric Company, Interstate Power Company of North Dakota, and Interstate Power Company of Wisconsin, and 60% of the common stock of Eastern Iowa Electric Company.

44. Interstate and its subsidiaries furnish electric, gas, steam heat, water, and bus transportation services to a number of communities in Illinois, Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin.

45. The consolidated capitalization, including surplus, of Interstate as of December 31, 1942, adjusted to reflect the minimum liquidating value of $100 per share for the preferred stocks, and dividend arrears thereon, was as follows:

	Amount	Percent
Long-term debt:		
1st Mtge 5% Bonds due 1957	$26,035,500	
6% Debenture Bonds due 1952	7,500,000	
Total long-term debt	33,535,500	68.8
6% Demand note payable to Ogden Corporation	$2,475,000	4.7
Preferred stock:		
$7 Cum., no par, stated at minimum liquidating price of $100—72,500 shares	[1]7,250,000	
Dividend arrears	5,161,275	
$6 Cum., no par, stated at minimum liquidating price of $100—47,500 shares	[2]4,750,000	
Dividend arrears	2,898,450	
Total preferred and dividend arrears	20,059,725	38.1
Minority interest	132,320	0.2
Common stock and surplus:		
Common stock, no par—175,000 shares stated at	6,000,000	
Capital surplus	1,813,488	
Earned surplus (deficit)	[3](11,412,645)	
Total common stock and surplus	(3,599,157)	(6.8)
Total capitalization	52,603,388	100.0

[1] Stated at $6,692,659 per books.

[2] Stated at $4,302,341 per books.

[3] Earned Surplus has been charged with preferred dividend arrears totalling $8,059,725 and with the difference ($1,005,000) between the minimum liquidating value of the preferred stock and its stated value per books.

46. No dividends have been paid on either class of preferred stock of Interstate since December 20, 1933, nor on its common stock since 1931. Arrears on the $7.00 preferred and on the $6.00 preferred stocks, as of December 31, 1942, aggregated $71.19 and $61.02 per share, respectively.

47. The consolidated balance sheet of Interstate and its subsidiaries at December 31, 1942 states property, plant, and equipment, including intangibles, as follows:

Gross property	$53,214,439
Reserve for depreciation	2,207,475
Net property	51,006,964

The reserve for depreciation was 4.1% of gross property.

48. As of December 31, 1942, the percentage of long-term debt to consolidated net property was 65.7%; the percentage of long-term debt, demand note due Ogden, minority interest, and preferred stocks (stated at minimum liquidating value of $100) including arrears was 110.2%.

49. The combined electric properties of Interstate and its subsidiaries were stated, per books, at $45,792,266 as of December 31, 1942. A note to the company's balance sheet as of such date states that information now available, based on the company's studies, indicates that the original cost of the electric properties, which excludes going value, amounts to approximately $26,000,000.

The original cost of the gas and other properties also appears to be below the stated value of such properties, per books, of $7,422,173.

50. The percentage of long-term debt to such indicated original cost for the electric properties, plus the gross carrying value of the gas and other properties, after deducting the reserve for depreciation, per books, was 107.4%.

51. The operating revenues, gross income before fixed charges, net income, preferred dividend requirements, and the balance for the common stock of Interstate, on a consolidated basis, for each of the years 1938 through 1942, were as follows:

	Operating revenues	Gross income before fixed charges	Net income before dividends	Preferred dividend requirements	Balance for common
1938 [1]	$6,686,717	$2,221,716	($17,651)	$792,500	($810,151)
1939 [1]	6,746,559	1,891,567	(343,582)	792,500	(1,136,082)
1940 [1]	7,123,856	2,043,230	(189,870)	792,500	(982,370)
1941	6,926,191	1,996,659	(125,235)	792,500	(917,735)
1942	7,072,735	2,199,732	132,898	792,500	(659,602)

( ) Denotes deficit.
[1] Earnings from the properties of Interstate Power Company of Nebraska, sold at December 28, 1940, are included up to such date.

52. Since its inception in 1925, the Federal income tax returns of Interstate contain deductions for depreciation which are substantially greater than the provisions for depreciation [12] recorded on the company's books.

53. Unless and until preferred stock dividends are in arrears for one year, the entire voting control of Interstate is vested in the common stock, each share of which is entitled to one vote.

54. As a result of dividend arrears, the preferred stock of Interstate has the power to elect two out of a total of seven directors.

It, therefore, tentatively appearing to the Commission, on the basis of the allegations hereinbefore set forth, that the holding company system of Ogden Corporation is not confined in its operations to those of a single integrated public utility system, within the meaning of the Act, or to those of a single integrated public utility system together with such additional integrated public utility systems as meet the requirements of section 11 (b) (1) and such other businesses as can be retained under the standards of section 11 (b), and that proceedings should be instituted under section 11 (b) (1) with respect to Ogden Corporation holding company system; and

It further appearing to the Commission, on the basis of the allegations hereinbefore set forth, that proceedings should be instituted under sections 11 (b) (2), 15 (f), and 20 (a) of the Act with respect to The Laclede Gas Light Company, Central States Utilities Corporation, Central States Power & Light Corporation, and Interstate Power Company to determine whether and what steps should be required to be taken by each of such companies pursuant to the provisions of said sections;

Wherefore it is ordered, That Ogden Corporation and each of its subsidiary companies hereinbefore named and included herein, all of which are hereby made Respondents in these proceedings, shall file with the Secretary of this Commission, on or before April 9, 1943, joint or several answers in the form prescribed by Rule U-25, admitting, denying, or otherwise explaining their respective positions as to each of the allegations set forth in paragraphs 1 through 54 hereof.

VII

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the plan filed by Ogden Corporation and subsidiary companies pursuant to section 11 (e).

It further appearing to the Commission that the proceedings instituted by it herein under sections 11 (b) (1), 11 (b) (2), 15 (f), and 20 (a) of the Act, and the proceedings in respect of the plan filed by Ogden Corporation pursuant to section 11 (e) of the Act involve common questions of law and fact and should be consolidated.

It further is ordered, That such proceedings be, and the same hereby are, consolidated.

VIII

It is further ordered, That hearings on such matters, under the applicable provisions of the Act and the Rules of the Commission thereunder, be held on the 13th day of April, 1943, at 10:00 a. m. ewt., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day, the hearing-room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, that Paul Littlefield, or any other officer or officers designated by the Commission to preside at such hearing, shall exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by the proceedings herein instituted by the Commission, particular attention will be directed at the hearing to the following matters and questions:

(a) Whether the allegations set forth in paragraphs numbered 1 to 54, inclusive, in this notice and order are true and accurate;

(b) Whether the utility properties of Central States Power & Light Corporation, Missouri Electric Power Company, The Derby Gas and Electric Company, The Wallingford Gas Light Company, Interstate Power Company and its subsidiaries, The Laclede Gas Light Company, Laclede Power & Light Company, and Missouri Natural Gas Company constitute more than a single integrated public utility system and systems additional thereto, control of which may be retained by Ogden under section 11 (b) (1) of the Act;

(c) Whether the businesses conducted by and operations of the non-utility subsidiaries of Ogden are reasonably incidental or economically necessary or appropriate to the operations of any of the utility systems of the companies named in paragraph (b) above;

(d) Whether an order should be entered requiring the recapitalization of The Laclede Gas Light Company and Interstate Power Company for the purpose of fairly and equitably distributing voting power among security holders of such companies;

(e) Whether the continued existence of Central States Utilities Corporation and Central States Power & Light Corporation is not an unnecessary corporate complexity in the Ogden holding company system and whether such companies should be liquidated and dissolved;

(f) Whether, in view of all the facts and circumstances concerning the interests of Ogden Corporation in Interstate Power Company (Del.), Central States Utilities Corporation, Central States Power & Light Corporation, and Laclede Power & Light Company, it is necessary or appropriate that in deter-

[12] Prior to January 1, 1937, Interstate Power Company and its subsidiaries made such provisions on a retirement basis.

mining the allocation of the securities or assets in liquidation of such companies, as between Ogden Corporation and other security holders, the interests held by Ogden Corporation in such companies should be subordinated in whole or in part to the claims of other security holders, or otherwise accorded participation in a manner different than their relative priorities.

(g) Whether the plan filed by Ogden and subsidiaries pursuant to section 11 (e) of the Act is necessary to effectuate the provisions of section 11 (b) of the Act and is fair and equitable to the persons affected thereby.

It is further ordered, That any person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before the 6th day of April 1943, his request or application therefor, as provided by Rule XVII of the Rules or Practice of the Commission.

It is further ordered, That jurisdiction be and hereby is reserved to separate, either in whole or in part, or for disposition in whole or in part, any of the issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt, and economic disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this Order to Ogden and its various subsidiaries, the Public Utility Commissions of the states of Connecticut, Illinois, Missouri, North Dakota, South Dakota, and Wisconsin, not less than 10 days prior to the date hereinbefore fixed as the date of the hearing; and that notice of said hearing is hereby given to Ogden and its subsidiaries, to their security holders, and to all consumers of Ogden and its subsidiaries, to all state municipalities and political subdivisions of states within which is located any of the physical assets of said companies or under the laws of which any of said companies is incorporated, all State Commissions, State Securities Commissions, and all agencies, authorities and instrumentalities of one or more states, municipalities, or other political subdivisions having jurisdiction over Ogden or its subsidiaries or any of the businesses, affairs or operations of any of them, that such notice shall be given further by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER not later than ten days prior to the date hereinbefore fixed as the date of hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-4469; Filed, March 23, 1943; 10:04 a. m.]

[File No. 812-807]

FOUNDATION INDUSTRIAL ENGINEERING CO., INC. AND FIRST YORK CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of March, A. D. 1943.

In the matter of Foundation Industrial Engineering Company, Inc., (Formerly General Investment Corporation) and First York Corporation.

Foundation Industrial Engineering Company, Inc., and First York Corporation (hereinafter referred to as Foundation and York) registered closed-end management investment companies and affiliated persons, having filed a joint application under and pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of the said Act a proposed transaction involving the sale of 6,940 shares of Common Stock of Eastern Corporation at a price of $4¾ per share by Foundation to York;

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing on the matter of the aforesaid application be held on April 5, 1943 at 10:00 o'clock e. w. t. in the forenoon of that day in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania; and

It is further ordered, That Robert P. Reeder, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to Foundation Industrial Engineering Company, Inc., and First York Corporation, and to any other persons whose participation in such proceeding may be in the public interest and for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-4467; Filed, March 23, 1943; 10:04 a. m.]

[File Nos. 59-33; 70-263; 70-371; 70-387; 70-430; 70-431]

COLUMBIA GAS AND ELECTRIC CORP., ET AL.

ORDER RELEASING JURISDICTION AS TO ATTORNEY'S FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office of the City of Philadelphia, Pennsylvania, on the 22d day of March 1943.

In the matter of Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation, Panhandle Eastern Pipe Line Company, et al.

The Commission having, by its orders dated January 21, 1942 and October 2, 1942 issued in the above-entitled proceeding, reserved jurisdiction relative to the payment of fees and expenses incurred by Panhandle Eastern Pipe Line Company in connection with the transactions it proposed to consummate as a part of such proceeding; and having, by said orders, directed the filing of supplemental data as to the reasonableness of the fees and expenses to be paid; and

Counsel for Panhandle Eastern Pipe Line Company (Edward N. Goodwin) having submitted an itemized statement of the work performed and the disbursements and expenses incurred, and having indicated that he would accept, in lieu of an aggregate of $32,000 claimed by his firm for legal services rendered Panhandle Eastern Pipe Line Company in connection with the proceeding, the aggregate sum of $26,000 and an aggregate of $1465.76 of expenses, in full payment for such services; and the Commisson having examined this data and having considered the reduction in the amount of said fees so consented to be said attorneys; and it appearing to the Commission that no adverse findings are required in respect of the payment of such expenses and fees as so reduced;

It is ordered, That Panhandle Eastern Pipe Line Company be and it is hereby authorized to pay Edward N. Goodwin the aggregate sum of $26,000 in full payment and discharge of his claim for legal services rendered in connection with the above-entitled proceeding and to pay the sum of $1465.76, representing the expenses and disbursements incurred.

It is further ordered, That jurisdiction be and it is hereby released with respect to said fees and expenses, subject, however, to the conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-4468; Filed, March 23, 1943; 10:04 a. m.]

[File No. 812-313]

DOMINION SECURITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of March, A. D. 1943.

Dominion Securities Corporation, a registered closed end investment company, having filed an application pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) (2) of said Act the proposed sale to Old Dominion Mortgage Corporation, a wholly owned subsidiary of applicant, of 1,623 shares of the capital stock of Old Dominion Mortgage Corporation for $72,609.40 cash and assets having a book value of $143,123.66,

and the proposed sale to three individuals, all of whom are affiliated persons of Old Dominion Mortgage Corporation which is an affiliated person of applicant, of 377 shares of the capital stock of Old Dominion Mortgage Corporation for cash, the amount of which is to be determined by the book value of such stock as of December 31, 1942;

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on March 29, 1943 at 11:00 o'clock in the forenoon of that day in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pa.; and

It is further ordered, That Willis E. Monty, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such application. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-4466; Filed, March 23, 1943; 10:04 a. m.]

WAR PRODUCTION BOARD.

[Preference Rating Order P-120, as Amended Oct. 6, 1942]

PRODUCERS AND BASIC FABRICATORS OF ALUMINUM AND MAGNESIUM

REVOCATION

Preference Rating Order P-120, as amended October 6, 1942, and all serial numbered copies thereof, be and they hereby are revoked effective April 1, 1943.

Issued this 23d day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-4483; Filed, March 23, 1943; 11:25 a. m.]